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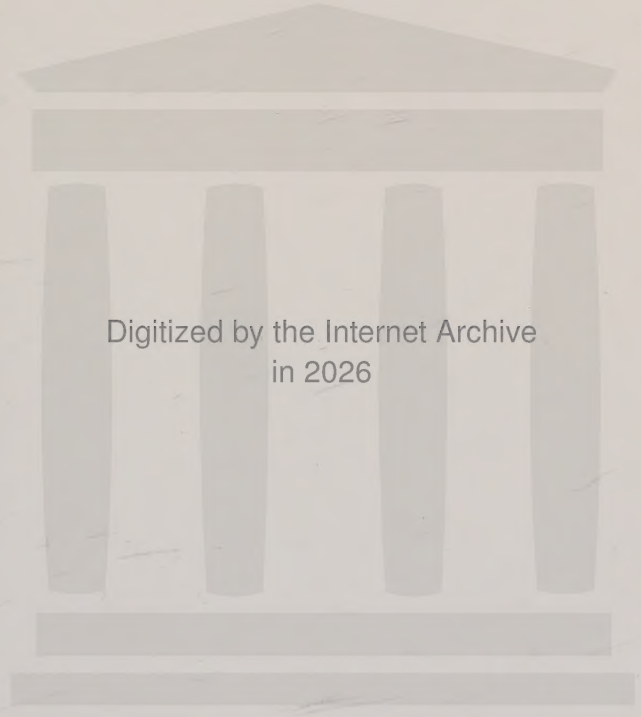
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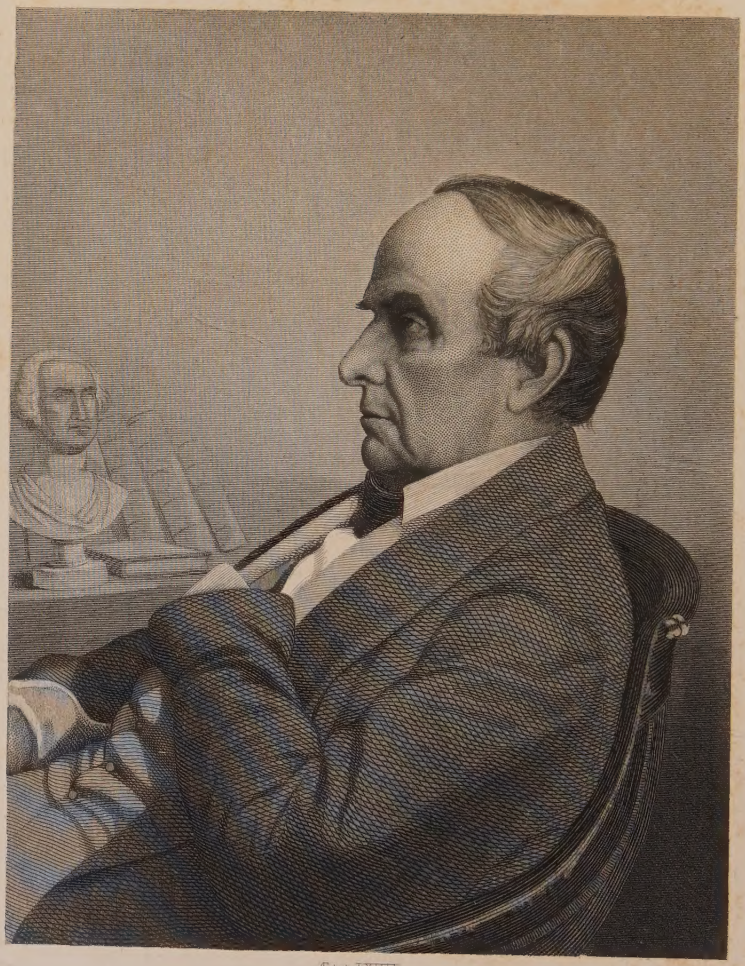

Ætat LXVII.

Daniel Webster

From a portrait by Chester Harding, in the possession of Genl. James H. Van Alen, of New York, painted in 1849.

New York, D. Appleton & Co.

# LIFE

OF

# DANIEL WEBSTER.

BY

GEORGE TICKNOR CURTIS,

ONE OF HIS LITERARY EXECUTORS.

VOLUME II.

FIFTH EDITION.

NEW YORK:
D. APPLETON AND COMPANY,
1893.

Webster
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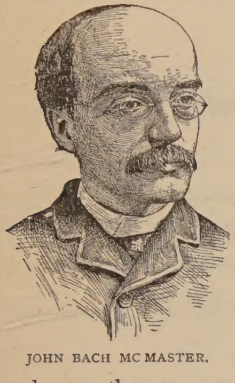

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# LIFE OF DANIEL WEBSTER.

## CHAPTER XXV.

### 1838–1839.

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THE condition of the Whig party in the autumn of 1838, and the following winter, presented little apparent prospect of success in the next presidential election; for there was an almost irreconcilable difference about men among the Whigs in all parts of the country. Mr. Clay was defeated by General Jackson in 1832, and General Harrison found too strong a competitor in Mr. Van Buren in 1836. Mr. Webster had never been named as their candidate by a national convention of the Whigs; and his selection now would have been deemed both appropriate and expedient, if the tone of the Whig party had not been reduced by the circumstances of the times below the level of a statesman of his eminence, experience, and

abilities. His name was presented to the country by the Whigs of Massachusetts, acting through a meeting of the members of the Legislature. It had then become apparent that Mr. Clay could not be elected, and the choice of a candidate was reduced to a selection of Mr. Webster or General Harrison. The latter, a most respectable and worthy gentleman, was certainly not a person to be made President of the United States on account of his peculiar personal fitness or claims. But a great political change was at hand—a species of revolution—which was far more likely to determine the *kind* of candidate who would be its successful leader than it was to be originated and guided by the personal qualities and force of the candidate himself. The course of the Democratic party, through three administrations, had prepared the materials that were to work its overthrow. It had produced a universal derangement of the currency, a very wide-spread bankruptcy, a feeling of discontent, a craving for reform, and a vague desire for changes. In such a state of things, the politicians, who determine the choice of candidates, were certain to give great weight to what is called "availability," a term which it is not easy to define, but which implies a willingness to accept a candidate for public office without much regard to statesmanship or fitness, but on adventitious grounds of popularity that satisfy the temper and demands of the times. In the case of Harrison, respectable success as a general in the War of 1812, great honesty of character, and the virtues supposed to be typified in the "log-cabin" of his early life, were the principal causes which made him again the choice of the political managers of his party.

In the spring of 1839 a movement was made in Congress for the appointment of a special minister to England, to negotiate a settlement of the Northeastern Boundary. Before the passage of any law for this purpose, the Massachusetts and Maine delegations in Congress united in a recommendation to the President, Mr. Van Buren, to appoint Mr. Webster on this mission, on account of his eminent qualifications for the important duty; and a general hope prevailed through the country that this appointment would be made. In this posture of the matter, Mr. Webster chanced to hear that Mr. Poinsett, a

member of Mr. Van Buren's Cabinet, had expressed to the President an opinion favorable to his appointment. At the same time, it was intimated that the President doubted whether Mr. Webster's views would be sufficiently pacific in their tendencies. For the purpose of justifying Mr. Poinsett's favorable opinion, Mr. Webster called upon him, and read to him a memorandum of the course which the minister, in Mr. Webster's judgment, ought to pursue. Mr. Poinsett was pleased with the suggestions of the paper, and asked for a copy of it, which Mr. Webster gave him. It marked out, with some detail, the mode in which the negotiation should be conducted to a point where a line by compromise would be seen by the British Government to be the only practical and successful method of adjusting the controversy. It followed out the steps of a negotiation in various contingencies, and closed, in the event of a failure to make a treaty, with the course proper to be pursued by our Government, in order both to maintain our position and to avert a war. The germs of the negotiation, which afterward led to the Treaty of Washington, were contained in this memorandum. It embraced the idea of taking the assent of the State of Maine to a line of compromise, elaborately and distinctly set forth, as a necessary step, before the minister should leave this country, by an informal interview between the minister and the Governor and congressional delegation of that State, in which they should be called upon to say, after careful examination of the whole subject, what conventional line Maine would approve. If a minister had been sent, this memorandum would have furnished all the needful instructions.[1]

Soon after this occurrence, it was proposed, in Congress, by some of the friends of the Administration, to have three commissioners appointed on the special mission, instead of one, according to the original plan; but this suggestion was not adopted, and provision was made by law, authorizing the President, if he saw fit, to appoint one commissioner as a special minister to Great Britain to settle the Northeastern Boundary. The President made no appointment, but continued the nego-

[1] The facts here stated were given to me by Mr. Webster, in 1849, and were written down at the time. He, at the same time, showed to me the memorandum which he read to Mr. Poinsett; but it has not been found among Mr. Webster's papers since his death.

tiation in the mode previously followed, through the resident minister, Mr. Stevenson, who brought nothing to pass.

Mr. Webster was in Boston immediately after the adjournment of Congress, which took place on the 3d of March, 1839. He had a very strong desire to visit England at this time, but it was apparent, from what had occurred in Washington, that he would not be asked to go there in a public capacity. Writing to an American friend, in London, on the 29th of March, he said:

"The Maine business is now all quiet. Nothing of a disturbing character will take place in that quarter until the two Governments shall have had ample time and opportunity for bringing the pending negotiation to a close. You have, of course, heard of the proposition to send a special minister to England, and the various rumors which have been in circulation here as to the person likely to be appointed. For myself, I doubt whether there will be a mission, rather expecting to hear that, before the Liverpool (steamboat) arrived out, an arrangement may have been made in London for a joint-survey of the disputed line, or perhaps for transferring the negotiation from London to Washington. If neither of these things shall have happened, and if England shall receive kindly the notion of a special mission, it will doubtless be dispatched. I know not on whom the appointment would be most likely to fall. Maine and Massachusetts, the two States directly interested, would, in all probability, be agreed on the man. But party considerations will, doubtless, have much influence, and I do not allow myself to expect that I shall see England this year in a public capacity, even if a special minister should be sent."

Within a few weeks after this letter was written, he determined to pass the following summer and autumn in England. But, before he went out of the country, he decided not to have his name brought before the next National Whig Convention as a candidate for the presidency.

Of course he could go to England, as a private man, in no other sense than that implied in the fact that he was to go in no official capacity. He could not at any time have set his foot on English soil without being conspicuous, nor could he be received there as a mere foreigner; for no American of worth and distinction is ever received in England without the feeling that the race is essentially one. In his case, this feeling was certain to be strong; for his training, his intellect, and his statesmanship preëminently evinced how great had been the

influence exerted by the laws, the letters, and the liberties of England upon the institutions and the social condition of the United States. It was most fortunate, too, for Mr. Webster's fame, that he was not asked to undertake the settlement of our difficulties with England, under an Administration with which he was not politically connected; and that it was reserved for him to do this after the public men of Great Britain had enjoyed an opportunity of knowing him personally.

It was not until the month of April that he finally determined to make this visit; and, as he rarely travelled without being accompanied by the ladies of his family, it was settled that his wife and daughter and Mrs. Paige, the wife of his brother-in-law, should be of the party. Miss Webster had shortly before become engaged to be married to Mr. Samuel Appleton Appleton, a member of the Boston family of that name; but, as her father could not consent to lose her quite so soon, it was settled that Mr. Appleton should follow them, and that the marriage should take place in England. His youngest son, Edward, then a student in Dartmouth College, was to join them at the same time. Mr. Webster and the three ladies embarked at New York, on the 18th of May; and, on the 2d of June, landed at Liverpool. The following letter was written the next day:

[TO MR. EDWARD CURTIS.]

"LIVERPOOL, *June* 3, 1839.

"MY DEAR SIR: We have really got over, and are now on this side. Captain Fayrer surrendered his ship to the pilot yesterday morning (Sunday), at five o'clock, being then fourteen days and seven hours from New York. There never was so tame a passage. Peterson[1] could have rowed me over in my boat, at least till we got into the Channel. A great part of the way we had an entire calm, and ran through a smooth glassy surface.

"We came to the Adelphi, one of the two principal hotels. The ladies did not walk with remarkable elegance when they came on shore. They had forgotten to leave their sea-feet on board, and the streets were not quite wide enough.

"I suppose this is a fair specimen of an English tavern, very plain, but very comfortable and clean, and no show. Rooms rather small, but containing every thing you want, down to a boot-jack, shoe-rack, and shoe-

[1] His Marshfield fisherman.

horn. I found, however, my fates pursuing me, for, as I drew aside the window-curtains this morning, I looked out on a dark brick-wall, distant three feet! All the agreeabilities of the Polk concern[1] immediately rushed upon me; but then Mrs. Curtis, with her jovial laugh, came with them, and made full compensation.

"Liverpool is a place of affairs. It is not distinguished for parks, malls, and public walks and squares. The streets are narrow, and not straight. The bricks are dark, which circumstance gives a dull appearance to the city. The blocks of high brick warehouses, connected with docks, make an appearance of great solidity and wealth. But the docks themselves are the principal and most striking thing, I think, which I have seen. The natural advantages of Liverpool as a port are small. The Mersey is a little shallow river, and, at its mouth, the ocean throws in great masses of sand, by way of plea in bar. But the tides are very high; and, availing themselves of this circumstance, the good people have constructed these docks or basins, into which ships come at high water, and, the gates being closed, there they remain, keep their masts erect, and laugh at the disappointed ebb-tide. The ships thus appear to be not at the wharf, but in the town itself. Indeed, they look like so many strays which have been taken up, and put into pound.

. . . . . .

"Remember me kindly to Mrs. Curtis; and tell Mr. Blatchford I will write him from London.

"Yours,

"D. Webster."

An affectionate letter to his Marshfield agent, Mr. Charles Henry Thomas, describes the course of his journey from Liverpool to London, where he arrived on the 5th of June:

[To Mr. Chas. H. Thomas.]

"London, *June* 9, 1839.

"Dear Henry: I must not permit the Liverpool, which is to depart on the 13th, to return without a line to Marshfield, to let you all know that we had a most safe, mild, and rapid passage—fourteen days and a half—less five hours, and that we have all arrived in London.

"The sea was so smooth more than half of the way, that Peterson could have rowed me along in my boat. Mrs. W. was sick the early part of the voyage, Mrs. P. less so, Julia not at all. And, with exception of one day, when the sea and other causes laid me up, I was fit for duty the whole voyage. We have stayed a day or two with Mr. Jaudon, and are now settled in our lodgings, Brunswick Hotel, Hanover Square. From Liverpool we came mostly, not altogether, on the railroad. We first went to Chester, twenty miles from Liverpool, the oldest town in England, some of its

[1] Lodgings in Washington.

buildings going back for their date to Saxon times, say the sixth or seventh century. We then struck across the country to the railroad, and by it came to London. The usual run from London to Liverpool—two hundred miles—is ten and a half hours. Two things have struck us very strongly in England, and I will mention them, and they will be the only matters I can now write about. First, the agricultural beauty and richness of the country. For miles together the country appears like a tasteful garden. Even the wheat-sowing and potato-planting are all done so nicely, the ground looks as if it had been *stamped* as people stamp butter. And then there are the deep green of the fields, and the beautiful hedges. Of cattle, in driving over so great a part of this little kingdom, I saw many varieties and of different qualities. All around Liverpool the Ayrshire breeds abound, and they far surpass any thing else I have seen. In hundreds of flocks every one looks as if William Sherburne had been feeding and carding it for six months. In parts of Cheshire and some other places, I saw poor cattle.

"The other thing which struck us is the ancient ecclesiastical architecture of England. These old vast cathedral churches, and smaller churches, of all sizes and forms, which have stood for ages and centuries, are such objects as we cannot, of course, see on our side of the ocean. They are, some of them, most magnificent and grand spectacles. We have yet not seen much of London. Many persons have called on us, and we are likely to be busy enough. For the two days we have been here I have been poking about *incog.*, going into all the courts, and everywhere else I chose, with the certainty that no one knew me. That is a queer feeling, to be in the midst of so many thousands, and to be sure that no one knows you, and that you know no one. We are apt to feel when we come among great multitudes that, of course, we shall recognize somebody. But a stranger in London is in the most perfect solitude in the world. He can touch everybody, but can speak to nobody. I like much these strolls by myself. This morning we are going to breakfast with Mr. Kenyon, where we are to meet Rogers, the poet, Wordsworth, etc., etc. Yesterday I breakfasted with Sydney Smith, long known as the greatest wit in England. He is a clergyman of much respectability. Among other persons there was Moore, the poet. An English breakfast is the plainest and most informal thing in the world. Indeed, in England, the rule of politeness is to be quiet, act naturally, take no airs, and make no bustle. . . . This perfect politeness has, of course, cost a good deal of drill. Fuss and fidgets can be subdued only by strict discipline. We all go to dinner on Tuesday where we are to meet—who do you think? Boz—the ladies are delighted—they expect he will look just like Mr. Pickwick. As to many other things, dear Henry, I must postpone them to another opportunity. I have had no time yet to think of any matters of business.

"I pray you to give my love to your mother, your wife, and the Dr.'s family. This letter must leave London on the 11th. I will leave it open to see if any one will add a postscript.

"*June* 12, *Wednesday morning.*—I have nothing to add, we are all quite well. Boz looks as if he were twenty-five or twenty-six years old, is somewhat older, rather small, light complexion, and a good deal of hair, shows none of his peculiar humor in conversation, and is rather shy and retiring. I have been over to the House of Commons and heard a debate. To-day we are going to drive out to Richmond Hill. Adieu! write me, be sure, quite often.

"Yours truly,

"D. Webster."

The *Gazette*, in announcing his arrival, said: "We cordially welcome to our shores this great and good man, and accept him as a fit representative of all the great and good qualities of our trans-Atlantic brethren." On the following day the press of carriages at the door of his hotel was almost unprecedented, so great was the curiosity to see him. He became at once such a "lion" as Sir Walter Scott amusingly describes himself to be in his visit to London in 1809, and we may find the parallel continued in the modesty with which he speaks of the attentions, of which his letters give us a very inadequate idea:

[To mr. edward curtis.]

"London, *June* 12, 1839.

"My dear Sir: I have sent a duplicate of the enclosed to John P. Healey, Esq., of Boston, with directions to have it published in all the Whig papers. If it should not make its appearance in due season, please send him this. We have been in London almost a week, are at the Brunswick House, Hanover Square, and have as much as we can do to see things and persons. Our heads are rather turned at present, but we hope to get right soon. I have been into all the courts and both Houses of Parliament; looked at most of the great men, spoken with many of them, and find society more free and easy than I expected. Not that there is not, as I presume there is, a good deal of exclusiveness, but the general manners, when people meet, are void of stiffness, and are plain and simple, in a remarkable degree.

"To-day we are to drive to Richmond Hill, as the sun is bright and the day good for prospects.

"I find myself kindly remembered by those I have known in America. Sir Charles Bagot, Sir Stratford Canning, Sir Charles Vaughan, Mr. Labouchere, Lord Stanley, and others, have been prompt to find us out, and to tender us all kinds of attention and civility. Denison is in Paris, with his wife's uncle, Lord William Bentinck, who is there ill. On hearing of my arrival, he sent orders for his coach and horses, coachman and

postilion, to come to town and put themselves at my disposal while I remain in London. You are prudent and private in the use of confidential letters, and therefore I may say, what I shall say to none but you, that I am already asked whether I will have a conversation with those in high places, on the subjects of common interest to the two countries. More of this another time. As yet I have delivered no letters of introduction, but have received many calls from persons of consideration. Adieu! I must write a word to Blatchford. Let no packet come without bringing me a letter from you. . . . I pray kind remembrance to Mrs. Curtis.

"I ought not to omit to say that Mr. and Mrs. Stevenson have received and treated me with great propriety and kindness.

"Yours,

"D. W."

[TO MR. EVERETT.]

"LONDON, *June* 12, 1839.

"MY DEAR SIR: I have only time to say by the return of the Liverpool, which leaves Liverpool to-morrow, that I send a very short letter for publication in Boston, addressed to the people of Massachusetts. Though shorter, it is to the effect suggested by you. Particular circumstances induced me to keep this back till I reached this side of the water. Please state this to Mr. Lawrence.

"We are just getting into our lodgings at the Brunswick Hotel, but have already met many men of distinction, divers of whom inquired for you. We have seen Rogers, Wordsworth, Moore, Boz, Sydney Smith, Hallam, Talfourd, and other literary persons, as well as some distinguished political characters. Time has not allowed us yet to return many calls. We find Sir Charles Vaughan here, as well as Sir C. Bagot, Sir S. Canning, Mr. Anthony Baker, etc., etc. Lord Stanley, Mr. Labouchere, and Mr. Stuart Wortley, have also been kind enough to remember us.

"You will think it strange, but truly, I have not had time to read a newspaper since I have been in London. But putting all I hear together, I incline to think that, though politics are unsettled, and the ministry acknowledged to be weak, yet no immediate change is likely to take place.

"I have so many letters to write by the Liverpool, that you must pardon a very hasty one to yourself, written at an hour when all London is asleep, namely, five o'clock in the morning.

"Yours truly,

"D. WEBSTER."

[TO MR. I. P. DAVIS.]

"LONDON, *June* 24, 1839.

"MY DEAR SIR: We have now been in London since the evening of the 5th, and are all quite well, and have been busy enough in seeing things and meeting persons.

"It is the height of what they call 'the season;' London is full, and the hospitalities of friends, the gayeties of the metropolis, and the political interests of the moment, keep everybody alive. We have made many acquaintances, and have found those persons whom we have known in the United States quite overflowing in their attentions. I have been to the courts, made the acquaintance of most of the judges, and attended the debates in both Houses of Parliament. London dinners, however, are a great hinderance to attendance on the debates in Parliament.

"I have liked some of the speeches very well. They generally show excellent temper, politeness, and mutual respect among the speakers. Lord Stanley made the best speech which I have heard. I was rather disappointed in Macaulay; but so were his admirers, and I have no doubt the speech I heard was below his ordinary efforts. There is to be a second division to-night on the government plan of national education. The last division on Lord Stanley's motion resulted in a majority of five only for ministers. It is altogether uncertain how the vote will go to-night; quite as likely against as for the ministers. But, if it should go against them, I do not think any great consequences would follow. That the ministry is very weak in numbers is quite plain, and all its members admit it, both publicly and privately. Yet I think they will go along with an uncertain and feeble administration until something shall occur either to give them new strength or deprive them of part of what they now have, so as to give a decided preponderance one way or the other. If there were now to be a dissolution, it seems generally understood that a majority of Conservatives would be returned.

"A Conservative government, however, would hardly know what to do with Ireland. It was said in the House of Lords the other day, that the constituencies in Ireland were nothing but so many rotten boroughs in the hands of the Catholic priesthood. I believe there is too much truth in this.

"Among the great men here, Lord Wellington stands, by universal consent, far the highest. The publication of his dispatches, while it has recalled the recollection of the days of England's glorious achievements, has shown also the unwearied diligence, steadiness, ability, and comprehension, with which he conducted the Peninsular campaigns. He is admitted to have no personal motives, to desire no office, and to seek no power. The epithet which all agree to apply to his conduct, is "straightforward." If he were now to die, he would depart life in the possession of as much of the confidence and veneration of the British people as any man ever possessed.

"We all dined last Saturday with Mr. Bates, by whom, and by Mrs. Bates, we have been treated with the utmost attention and kindness. Julia has gone this morning to Richmond and to Hampton Court, on horseback. Mrs. Webster and Mrs. Paige are going into the city with Captain Stockton, to see St. Paul's and the other city sights. Tell Judge Story I have not seen a lawyer or a judge who has not spoken of him and

praised his writings. If he were here, he would be one of the greatest professional lions that ever prowled through the metropolis; and tell Mr. Prescott I have not met a literary man that has not spoken in terms of admiration of 'Ferdinand and Isabella.' The circles where I go inquire very much and very kindly for Mr. and Mrs. Ticknor, and many remember Governor Everett. . . .

"We all desire particular remembrance to Mrs. Davis. Remember us also to the good judge. Let us hear from you when you can. As soon as Parliament is prorogued, we shall make excursions into the country. The weather is now very fine, warm, with showers, and the fields around London look delightfully. We have no such deep verdure, unless it be in Rhode Island.

"It is now the commencement or near the middle of the hay harvest.

"Yours, adieu,

"DANIEL WEBSTER."

[TO MR. KETCHUM.]

"LONDON, *June* 24, 1839.

"MY DEAR SIR: I am obliged to you for three newspapers, which I have just received, and which came by the Columbus. We have lost Virginia, as I expected we should.

"No political change has taken place here within the last fortnight or three weeks. Some expect a dissolution of Parliament; I do not; a close vote will be had to-night on the education subject. But its result, if against the ministers, will hardly lead to a resignation.

"I see much private society among men of all parties, and find abundant tenders of hospitality from many sources. There is no foundation, so far as I know, for the newspaper rumor of an intention by the American merchants here to give me a dinner. I do not think such a proceeding would be wise. I shall go into the country as soon as Parliament breaks up, and mean to be at Oxford the 15th July, whether Parliament breaks up before then or not.

"Please say to Mr. Blatchford that I met the Duke of Cambridge three days ago, at dinner at Sir Henry Halford's, and that the duke inquired kindly after him, and was glad I could give so fresh and so good an account of him.

"I have not yet seen many sights, having been too much occupied with seeing men to find much time for looking after things. I have, however, spent a whole morning in Westminster Abbey, and a morning it was worth crossing the Atlantic to enjoy. Nothing strikes me like this ecclesiastical architecture, its antiquity, its grandeur, and often, as in the case of Westminster Abbey, the interesting monuments which it contains. We have also been to the Tower. The ancient armory is well worth seeing, and the rooms, marked with the initials of many well-known prisoners

of state, of former ages, excite a strong interest. Mrs Webster has gone this morning to St. Paul's.

"This goes by the Roscoe; probably letters by G. W. will arrive before it.

"Yours truly,

"D. W."

"P. S. My love to Mrs. Curtis."

[TO MR. EDWARD CURTIS.]

"London, *July* 4, 1839.

"My dear Sir: I have sent a box to Bristol, to go by the Liverpool, containing the works of a certain author,[1] for Mrs. Curtis; carriage is paid for to the boat; freight over and duties you must see to. As the box is small, perhaps your friend J. J. Hoyt will not object to your taking it from the boat without the formality of going through the custom-house.

"As to the times here, they are said to be hard. Money is quite scarce. The bank talks of raising interest to six per cent. Continental exchanges yesterday were bad, and for all this nobody seems to find an adequate reason. In my own little matters I shall not attempt to make any stir at present.

"The 15th I am going to Oxford to attend the national cattle show. Lord Spencer is chairman of the society, and will be present. He has written from the country to invite me to his house at Althorpe. About the 1st of August I think we shall commence travelling to the north.

"I have been here now four weeks, and we have seen very many persons; indeed, London hospitalities have nearly overwhelmed us. Breakfasts, dinners, and evening parties, belong pretty much to every day of our lives. The breakfast parties are quite pleasant for persons who have entire leisure. The breakfast is about ten and lasts till twelve. It is not a breakfast with claret, after the French fashion, but a good breakfast with tea and coffee, etc., and more free from restraint than a dinner-table. I do not follow sight-seeing; what comes in the way I look at, but have not time to hunt after pictures, etc. Westminster Abbey and the Tower are two of the best things; they hold such memorials of by-gone times. I will tell you how we pass this day, and let it be an example. It is now eleven o'clock. We breakfast at home at nine. . . . We came very late last evening from a party at the Countess Dowager of Cork's, a person now ninety-four years old, sister to General Monckton, who was with Wolfe. I was invited to dine with her ladyship yesterday, to meet Lord Holland, but was engaged; but we all went in the evening. Well, to proceed: Mrs. Webster is writing up her journal—she writes as good a journal as Burch; Julia has gone to take a gallop in the Park and Kensington Gardens with Mr. Senior, with whom we dined yesterday. Mrs. Paige will get up by-and-by, and at two o'clock we are going to see

[1] Shakespeare.

the club-houses, very expensive and noble structures, the resorts of the rich and the idle; having looked at these, the ladies will go to the National Gallery with Mr. Kenyon; I shall come home, go down to the House of Commons or House of Lords at four o'clock; stay till six; perhaps hear a speech or two, especially in the Lords; come home at six; dress, and go with Mrs. Webster to dine at Kensington with the Duke of Sussex at seven; leave his house about ten; come home, take up Mrs. Paige and Julia and go to Mrs. Bates's to a grand concert, where will be a great crowd of people, from royal dukes and duchesses down, and all the singers from the Italian opera. Here we shall stay, taking in fruit and wine, as well as music, till twelve or one o'clock. To-morrow forenoon I shall shut myself up, to write letters for this conveyance; in the evening we shall dine with Mr. Justice Vaughan and his wife, Lady St. John. There, enough of that. Send over this trashy letter to Mr. Ketchum, as I may not find time to write him.

"*July* 5, *Friday morning.*—There is nothing new, I believe, to-day. The world talks a good deal about Lady Flora Hastings, who was alive last night, but was not expected to survive many hours. The impression is deep and strong that she has been injured.

"Pray make our best regards to Mrs. Curtis. Remember us also to Dr. Perkins and Mrs. Perkins.

"Write me when you can.

"Yours,

"D. W."

[TO MR. KETCHUM.]

"LONDON, *July* 5, 1839.

"MY DEAR SIR: Mr. Hall seems to have stopped some days at Bristol, or on the way, as it was only day before yesterday that I received your letter by him. He left it without his own card or address, and I have not yet found out where he is. I hope to learn his place of lodging to-day, and will call to see him.

"I have now been here a month, and my mind has been so much occupied with persons and things around me, that I have thought little of matters beyond the Atlantic, either public or private. I have hardly seen an American paper except what you sent me. What course I shall take hereafter, in regard to political objects, is a thing to be thought of seriously, and about which friends must be consulted. The events which are likely to happen before I return to the United States, will probably throw light on my path.

"We have been very kindly treated in London by persons of different sorts. Hospitalities have been extended to us, quite as freely as we have been able to receive them. I have attended no public meetings. To three or four I have been invited; but on some occasions I found myself under previous engagements elsewhere, and in regard to others, they hardly seemed proper, as I thought, for me to attend.

"I feel no inclination to make any public appearance in England, unless some opportunity should happen to arise, as I think it will not, in every way quite appropriate. About the 15th we go to Oxford, and soon after that shall visit the North of England, and perhaps Scotland. Further than this we have at present no plans.

"Parliament, it is thought, will be prorogued about the 1st of August. Not much more debate is expected in the Commons. The archbishop's motion on the government plan of education comes up to-night in the Lords, and will, no doubt, bring on a discussion. Ministers will probably be beaten, and the queen addressed not to go further in applying sums of money to purposes of education, without concurrence of both Houses of Parliament.

"There is a practice in this government which perhaps you have not adverted to, and which has occasioned this mode of proceeding. When the House of Commons votes sums of money to particular objects, the treasury feels authorized to expend it on that object, without waiting for the forms of law. And afterward a general law passes, sanctioning such payments, as matter of course. Sometimes, I believe, a prospective appropriation bill passes, sanctioning the payment of such sums as the House of Commons may vote during the session.

"There are those who think Parliament will be dissolved, should the ministers be found greatly in the minority to-night. But I do not see any reason for that opinion. If there were a new election at this time, it is very generally thought the Tories would have a majority.

"The money market is in a bad state. I fear it will be no better with you.

"I am, dear sir, always yours,

"With true regard,

"Daniel Webster."

On the 18th of July he attended the first Triennial Celebration of the Royal Agricultural Society at Oxford, and dined with a great company of persons of all classes connected with agricultural pursuits, Earl Spencer presiding. This was the only occasion, I believe, on which he made a public address in England. His health was proposed by Lord Spencer, in order that the assembly, which was a large one, might have an opportunity of hearing him. His speech, which, of course, related only to the topics appropriate to the occasion, is contained in the first volume of his works, from a report in the London *Times*.[1] On his return to London, he wrote thus to Mr. Ketchum:

[1] See the letter of Mr. Kenyon, *infra*.

[TO MR. KETCHUM.]

"LONDON, *July* 23, 1839.

"MY DEAR SIR: I am quite obliged to you for your letter by the Liverpool, which I received yesterday. I propose to send this by the return of the same ship. I send you a newspaper containing an account of the proceedings of the Oxford agricultural dinner, and enclosed in the paper you will find a memorandum of some corrections in the publication of my remarks. If those remarks should be published in New York, I wish these corrections might be attended to: some of them are important. I believe I may say my remarks were well received at the time, and have been read with satisfaction. I could not, with decency, extend them. There were, I knew, to be a great many speeches, and I had no right but to a little time. Besides, Lord Spencer's remarks, in proposing the toast, did not make a wider opening.

"Some gentlemen here are apparently desirous that I should have an opportunity of saying something publicly in London. Among others, I think Lord Lyndhurst and Lord Brougham; but it is difficult to find an occasion in which a foreigner can with propriety do more than return thanks in a very general manner. I do not mean to transgress on propriety for the sake of talking.

"I must say that the good people have treated me with great kindness. Their hospitality is unbounded, and I find nothing cold or stiff in their manners—at least not more than is observed among ourselves. There may be exceptions, but I think I may say this is a general truth. The thing in England most prejudiced against the United States is the press. Its ignorance of us is shocking, and it is increased by such absurdities as the travellers publish, to which stock of absurdities, I am sorry to say, Captain Marryat is making an abundant addition. In general, the Whigs know more and think better of America than the Tories. This is undeniable. Yet my intercourse, I think, is as much with the Conservatives as the Whigs. I have several invitations to pass time in the country, after Parliament is prorogued. Two or three of these I have agreed to accept. Lord Lansdowne and the Earl of Radnor have invited us, who live in the south, the Duke of Rutland, Sir Henry Halford, Earl Fitzwilliam, Lord Lonsdale, etc., who live in the north.

"I mention names, even in such a way as this, only to you and Curtis, and a few others, for I am dreadfully afraid of something getting into the papers on the other side. This fear of publication is a most despotic restraint upon the freedom of correspondence.

"I see very few American newspapers, and therefore learn what is going on only by letters. I follow your good advice, and say nothing in my correspondence upon topics which now agitate people at home. I am more and more content with my own position in regard to these questions.

"You will write me, I trust, by every conveyance, and believe me always, with regard,

"Yours truly,

"Daniel Webster."[1]

The journey to the north began about the first of August. The course was first through the lake country, thence from Penrith to Lowther Castle, the magnificent seat of the Lonsdales, and thence into Scotland.

[to mr. ticknor.]

"Lowther Castle, *August* 21, 1839.

"My dear Sir: You will be glad to hear that we have found time to get a snatch at the scenery of the lakes, with which you are so well acquainted, and which Mrs. Ticknor and yourself have so lately visited. We thought of you often as we had 'Scarboro' Fell,' 'Helvellyn,' or 'Skiddaw,' before us. We have not run the beauty of this scenery into the details, with the spirit of professed tourists, but have seen enough to convince us that there is much of beauty and something of sublimity in it. Mountain, dale, and lake, altogether, are interesting and striking in a very high degree. They are striking to us who have seen higher mountains and broader lakes. Mr. Wordsworth, in his description of the lakes, has said, with very great truth, I think, that sublimity in these things does not depend entirely either on form or size, but much, also, on the position and relation of objects, and their capability of being strongly influenced by the changes of light and shade. He might have added, I think, that a certain unexpected disproportion—a sudden starting up of these rough and bold mountains, hanging over the sweet and tranquil lakes below in the forms and with the frowns of giants—produces a considerable part of the effect.

"But, although we have enjoyed the scene much, some things have been inauspicious. We did not see Wordsworth, as he was not at home, and, although not far off, we did not find it convenient to wait his return. We regretted this the more, as we had the pleasure of making his acquaintance in London, where we met him several times, and were delighted with

[1] Mr. Webster's habits of observation embraced more things than those of any other person whom I have ever known. While in London, he made a full list of prices of all articles for the table, including meats, fish, poultry, fruit, wine, etc., etc. The paper ends with the following memorandum: "The salmon, generally, is excellent: I like it far better than the turbot. Beef, mutton, and poultry are no better than our own. Cooks not so good as Nancy. London dinners all alike. Extra professional cooks going about, as with us. Turbot sells variously from 5*s.* to 25*s.* a fish, according to season. Cod from 1*s.* to 2*s.* 6*d.* a slice of one pound or one pound and a quarter. Mrs. Webster holds halibut much better than turbot or sole: she despises the red mullet. House-lamb is a lamb whose mother is kept on dry food: this makes the meat white."

him; so that we were better able to estimate the amount of our loss in missing him at Ambleside. He had been written to, to meet us here, but had a complaint in his eyes which prevented him from accepting the invitation. You will notice that he has lately received an LL. D. from Oxford. The same honor was conferred at the same time (the Commemoration) on the Earl of Ripon and other distinguished persons, and those persons were cheered with some heartiness as their names were announced, but when Wordsworth's was proclaimed the theatre rang with the most tempestuous applause. Among the Oxonians, genius and poetry carried it, all hollow, over power and politics. Probably, too, there existed not only high regard for his private worth and the good tendency of his writings, but a feeling that injury had been done him long ago in a certain quarter.

"Nor did we see Southey. He was married, as you will have seen, about two months ago; and, though low spirits be not, of course, the common consequence of such enterprises, yet, if *post hoc, ergo propter hoc*, be good logic, his case is an exception to the general rule. He has been quite sad and melancholy ever since he became the happy bridegroom. Our friends in London advised us not to call on him; but, in fact, he was not at Keswick. I left your letter, hoping it might gladden his heart to hear from you when he returned. Finally, we have had bad weather for our visits here. Clouds, mist, and pouring rain, have constituted the succession of atmospheric operations. However, we had great amends the afternoon we entered Keswick, when the sun came out in a happy moment, and poured a flood of light on the green dale and the smooth lake, and showed us Skiddaw, veiled only with a transparent wreath of mist around his brow. So much for the country of the lakes, which we have truly very much enjoyed.

"We came to this place on an invitation received in London, and have been most hospitably and kindly entertained. You know all about Lowther Castle. One may safely say of it what Mr. Mason said of his house in Portsmouth—that it is a comfortable shelter against the weather. We go hence to Scotland, not to the tournament, and expect to see Mr. Lockhart somewhere near the Falls of Clyde. Our route will be from Glasgow to Edinburgh, perhaps with a little intermediate bend northward, and then to London along the north road. We have not time to see any thing as it ought to be seen. Yesterday we heard of the arrival of Edward and Mr. Appleton in London, by the British Queen.

"Adieu, my dear sir. Make my particular remembrances to Mrs. Ticknor, to whom, as well as to yourself, the ladies desire to transmit their regards. Remember me, also, to Mr. Guild and Mr. Dwight, and their families. Say to Mr. Guild that I do not forget I am a farmer, and therefore look at cattle and turnip-fields. This is a bright day, and the harvest needs many such. For a fortnight the weather has been shockingly cold and wet.

"I am, dear sir, very truly, yours always,

"DAN'L. WEBSTER."

[TO MR. JAUDON, LONDON.[1]]

"STIRLING, *September* 1, 1839.

"MY DEAR SIR: We arrived here yesterday from Loch Lomond and Loch Katrine; beautiful objects, which we should have enjoyed more in better weather. After writing you, finding ourselves at Glasgow, Tuesday morning, twenty-five miles from Eglintoun, it was concluded that we would drive over and look on for a little time, but not present ourselves as guests, according to our invitation, for ball and banquet. We did so. You have learned that the whole affair was spoiled by the rain, so that ball and banquet there was none for anybody. We returned immediately to Glasgow, and thence by steamboat into the country of the little lakes above mentioned. I should admire to go far to the north and see the main frame of the Highland world, but that time and circumstance do not allow. We go to Edinburgh to-morrow, and shall stay there until I hear from you. It is possible you may have letters for us from America. Please forward, if any. I will call for your communications at the post-office, Edinburgh, as I do not know at what hotel we shall be.

"This Stirling is an interesting spot. The views from the castle are of the best I have seen. The valley through which the Forth winds is very rich, and you see the course of the river for many miles. On the north the highland mountains, on the east Edinburgh Castle, distant thirty-five miles, present themselves.

"Remember us all to Mrs. Jaudon. For my part, I confess I begin to be willing to get back to London.

"Yours, always truly,

"D. WEBSTER."

[TO MRS. LINDSLEY.[2]]

"STIRLING, SCOTLAND, *September* 6, 1839.

"DEAR MRS. LINDSLEY: We have passed rather rapidly through some of the lake scenery in Scotland. Many have seen this, and many have described it. Since Walter Scott's 'Lady of the Lake,' all have felt a new interest in this part of Scotland, and now, since steamboats are on every lake and river where there is water enough to float them, crowds follow crowds, through the whole travelling season, all along the common track. This takes off much of the romance and much of the interest. All travel together, and everybody is in a prodigious hurry. The inns are all crowded, the carriages are all crammed, and the decks of the steamboats covered with a mass of men and women, each with a guide-book in his hand, learning what to admire! The scenery in itself is truly beautiful, and I have learned enough to know, I think, how one should travel in order to enjoy

[1] A banker in London, formerly cashier of the Bank of the United States.

[2] His cousin, wife of Dr. Lindsley, of Washington.

it. The great majority of travellers only wish to 'get on.' The first inquiry is, how soon they can get to a place; the next, how soon they can get away from it. They incur the expense of the journey, I believe, more for the sake of having the power of saying afterward that they have seen sights than from any other motive. If I could go through this lake region at leisure, and with one friend of discernment, taste, and feeling, I should experience, I am sure, the greatest possible delight.

"You leave Glasgow in a steamboat, go down the Clyde fourteen miles, and then come to Dumbarton Castle, a huge rock five or six hundred feet high, not connected with any other high land, and with a fortress at the top. At the base of this is the mouth of the little river Leven or Leiven, and on its banks the village of Dumbarton. Here you take a coach and drive northward up this little river five miles, and then arrive at the lower or south end of Loch Lomond. The river is the outlet of the lake, and the valley which it makes from the lake to its mouth in the Clyde, at Dumbarton, is called the vale, or dale, of Dumbarton, and is uncommonly beautiful. From the south end of the lake you proceed northward up the lake, at first winding about among a great many pretty islands, this being by much the widest part of the lake. When you get up ten or fifteen miles, the lake contracts, the mountains Ben Lomond on your right and Ben Ima on your left press close down to the lake, and hang over it in a very striking and picturesque manner.

"The mountains are not contiguous ridges, but a succession of distinct and irregular hills, rising sometimes 2,500 or 2,800 feet, some of them coming close down to the lake, others receding from it; some appearing to stop your way, so that, till you get quite to their foot, you do not see how the loch can find its course any farther. The whole lake is perhaps about thirty miles long. If you are bound to Loch Katrine, you stop on the shore of Loch Lomond on its eastern side, five miles before you reach its head. The head of Loch Katrine then lies due east from you, five miles distant, a high mountain-ridge of moorlands intervening. Over this ridge, there being no carriage-road, you pass on a pony, and some Highlander carries your luggage. The passage is no way difficult to those accustomed to ride, but the great rush of tourists renders it uncertain whether you will find ponies ready. This is another reason against travelling in a crowd. If I were here with any one companion, you know we could walk over the mountain and moralize by the way. Arrived at the upper or west end of Loch Katrine, you are received into a row-boat and taken down the lake. This lake is narrow, is ten miles long, and I need not say exquisitely beautiful. The brightness of the water, the infinite variety in the slopes and in the surface of the surrounding mountains, cliffs, crags, and the ten thousand hues of light and shade produced by the shining of an evening sun on such a various and grotesque assemblage of objects, give to the whole scene an effect not perhaps anywhere to be surpassed.

"Half way down the lake, or thereabouts, you enter the 'Trosachs,' or 'bristled' passage—that is, a passage made rough by pointed, high-rising,

and projecting rocks. It is the natural passage from the Highlands to the Lowlands in this part of Scotland. Here the lake narrows very much. On the north is Ben An, on the south Ben Venue (I take it, Ben, in Gaelic, means mountain); and many others under other names, not so high, but yet bold, steep, and sharp-pointed, stand up as if to guard the pass—a duty which Sir Walter has assigned them. Here is Ellen's Island, and here the Silver Strand—that is, some twenty rods of white New-England pond-beach, the only specimen of that sort of shore which I noticed on either lake. In short, Sir Walter's description of this part of the lake, put into the mouth of Fitz-James when he first discovered it, is very true and exact, and hardly exaggerated. From the foot of the lake, its outlet, called the Teith, continues for a mile amidst a thick wood, and with similar mountains on each side, and then runs into a little lake, one and a half miles long, called Achray, and from this to a large lake, Loch Vennachar, and so into the Forth and down by Stirling to the sea; the waters of Loch Lomond thus running into the Frith of Clyde, those of Loch Katrine into that of Forth. So much for Loch Lomond and Loch Katrine.

"London, *September* 20, 1839.

"P. S.—"My dear Cousin: I wrote the enclosed in Scotland; it is of little value, but may serve to prove my remembrance. We returned from our northern tour yesterday, all well. Julia is to be married on Tuesday, the 24th inst., and will then, I suppose, go to the Continent. Edward will go either to St. Omer's or to Geneva. We have seen a great many things which I hope to talk with you about hereafter, but, as the steamship leaves Liverpool to-morrow, I have no time to write to-day. Give my love to your husband and children, and Dr. Sewall. Send for Charles Brown,[1] and tell him we are all well. We have taken our passage for November.

"Yours, affectionately always,

"D. Webster."

The marriage of Miss Webster to Mr. Samuel Appleton Appleton took place at St. George's, Hanover Square, in London, on the 24th of September.

Of the impression made by Mr. Webster in England, I am able to present my readers, from several sources, opinions which may be said to represent very different minds. Mr. Thomas Carlyle met Mr. Webster at breakfast, and, of course, observed him with characteristic keenness, and as he might be expected to look upon one who was a noted "lion" in London society; after which a description would naturally come from his pen, clothed in the peculiar fashion in which he is pleased to express

[1] A black servant, emancipated by Mr. Webster, to whom he was much attached.

himself, and which always amuses with its odd admixture of what is at once fantastic and strong. Under the date of June 24, 1839, he wrote to one of his friends in this country:

"American notabilities are daily becoming notable among us, the ties of the two parishes, mother and daughter, getting closer and closer knit. Indissoluble ties!

"I reckon that this huge smoky wen may for some centuries yet be the best Mycale for our Saxon Panionium, a yearly meeting-place of 'all the Saxons' from beyond the Atlantic, from the antipodes, or wherever the restless wanderers dwell and toil. After centuries, if Boston, if New York, have become the most convenient 'All-Saxondom,' we will right cheerfully go thither to hold such festival, and leave the wen.

"Not many days ago I saw at breakfast the notablest of all your notabilities, Daniel Webster. He is a magnificent specimen. You might say to all the world, 'This is our Yankee Englishman; such limbs we make in Yankee-land!' As a logic-fencer, advocate, or parliamentary Hercules, one would incline to back him at first sight against all the extant world. The tanned complexion; that amorphous craglike face; the dull black eyes under the precipice of brows, like dull anthracite furnaces needing only to be *blown;* the mastiff mouth, accurately closed; I have not traced so much of *silent Berserkir rage* that I remember of, in any other man. 'I guess I should not like to be your nigger!' Webster is not loquacious, but he is pertinent, conclusive; a dignified, perfectly-bred man, though not English in breeding; a man worthy of the best reception among us, and meeting such, I understand."[1]

Turning from this characteristic specimen of Mr. Carlyle's peculiar manner, the reader will peruse with delight the following hitherto unpublished letter, addressed to Mr. Ticknor, after Mr. Webster's death, by the late John Kenyon, Esq., an English gentleman of fortune, and all good culture, the friend of Wordsworth, of Southey, and Coleridge, and of many of the best men of his time; who, though he passed a long life in constant intercourse with the great world of London, and was consequently an acute and somewhat fastidious observer, was, in his own nature, so full of the "humanities" which he found in the great American statesman, that it is not surprising they should have liked each other so well. Mr. Kenyon's political opinions were always liberal:

[1] This passage, if I mistake not, has been published before.

[FROM JOHN KENYON, ESQ., TO MR. TICKNOR.]

"39 Devonshire Place, London, *March* 18, 1853.

"Dear Ticknor: Opportunities lost! Such has been not your life, but mine. I have been led to this exclamation by the circular which I received the other day from our friend Daniel Webster's literary executors, your name among them. For I felt that I had lost my opportunity, and had little or nothing to tell. And yet I saw more of him than most persons saw in London; and not only in London, but I had the privilege of travelling with him and his family-party during four days. But I will not, on second thoughts, speak of this opportunity as quite lost, for it enabled me to know and to love not only the great-brained, but the large-hearted, genial man; and this love I have held for him ever since, through good report and evil report, such as politicians are exposed to; and I shall retain this love for him to the day of my own departure. This is something to have won.

"I have little to tell about him in his character of statesman. Partly because, though I have pretty strong political opinions, I am rather averse than otherwise to *viva voce* political discussion. But, still more, I believe—because the man was so genial, so social, so affectionate, so much disposed to talk about prose or verse, or fishing or shooting, or fine greensward, or great trees, and to enter into common chat about daily things, and all so delightfully and easily—that there was, with me at least, small temptation to lead him to graver topics. Had he been mere statesman or lawyer or politician, one would probably have questioned him on church and state, as one questions other somewhat heavy persons of those eminent classes. Only two matters relating to politics do I at this moment recall. At this time England and America were agitating the Boundary Question; and I remember Mr. Webster's telling me that he had just been conversing with one of our ministers (I forget which of them) on the subject, and that, having asked for a map, he had pointed out to the minister that a line between the American and British dominions would be fully equal in length to a line drawn between London and Constantinople (you, my dear Ticknor, may examine if such be the fact); and thence he argued to the difficulty of preventing occasional aggressions between two wild border populations.

"The other case related to myself. I was talking, a little sillily perhaps—in style radical—Webster standing just opposite to me; and I well remember his putting his two hands, good-naturedly, one on each of my shoulders, and then calmly saying, 'Don't talk so. Depend on it, if you put the property into one set of hands, and the political power into another, the power won't rest till it has got hold of the property.'

"Being of our 'kith and kin,' it did not much surprise us that he should know our public history as well as ourselves; but I was often pleasantly surprised at his out-of-the-way knowledge of our English

families and things. At the British Museum, I recollect, we were shown a specimen [print] of our English wild cattle, from Chillingham Park—Lord Tankerville's, in Northumberland; and I observed that Webster already knew all about the breed, and the very name of the park and its possessors; and he knew, I heard, all about Westminster Abbey, and its monuments.

"Coleridge used to say that he had seldom known or heard of any great man who had not 'much of the woman in him.' Even so that large intellect of Daniel Webster seemed to be coupled with all softer feelings; and his countenance and bearing, at the very first, impressed me with this. I find this memorandum in my pocket-book, a memorandum much more ample than I generally attain to: '*7th June.*—Called on the American Webster; much struck with him; had fancied that he was a powerful, but harsh-looking man, but found him kindly and frank. A commanding brow, thoughtful eyes, and a mouth that seemed to respond to all humanities. He deserves his fame, I am sure.' I have transcribed literally. This was on a Friday. The next day but one, Sunday, he and his family-party came to breakfast with me, and were met, I see, by your friends Miss Rogers and her brother, Duer, Monckton Milnes, Coleridge, and Wordsworth, and one of his sons. After breakfast, came in H. C. Robinson, Sir Charles Fellows, Count Montalembert, Sergeant Talfourd, and a dozen others. It was on a Sunday morning, and I should have feared to lose my character for devotion but that there were two reverend divines of the party; so desirous were all, who had the opportunity, to see the renowned orator and man.

"All men, without having studied either science, are, we all know, more or less phrenologists and physiognomists. Right or wrong, I had found, as I thought, much sensibility in Webster's countenance. A few weeks afterward, I had an opportunity of learning that it was not there *only*. We were in a hackney-coach, driving along the New Road, to Baring's, in the city. It was a long-ish drive, and we had time to get into a train of talk; also we were by that time what I may presume to call 'intimate.' I said, 'Mr. Webster, you once, I believe, had a brother.' (You, dear Ticknor, had told me of this, and of Webster's struggle to educate him.) 'Yes,' he kindly said, 'when I see you and your brother together I often think of him;' and—I speak the fact as it was—I saw, after a little more talk on the subject of his brother, the tears begin to trickle down his cheek, till he said to me, 'I'll give you an account of my early life;' and he began with his father, and the farm in New Hampshire, and his own early education, and that of his brother, the details of his courtship and first marriage, and his no-property at the time, but of his hopes in his profession, and of his success; as he spoke, showing much emotion. How could one help loving a man at once so powerful and so tender!

"I remember that I, on that occasion, asked him, what some one had inquired of me, 'Whether he made the largest professional income in the States.' He told me 'No; but that he thought he could have so done if

he had not, when chosen for Congress, given up certain portions of profitable practice.'

"I see in my pocket-book—'*July* 17, went to Oxford to join the Websters at the Angel.' We had been invited to a huge agricultural meeting and dinner, which were to take place at Oxford the day after. They dined together—gentry and yeomanry—to the number of twenty-five hundred or more, in the quadrangle, if I remember rightly, of University College, which was tented over for the occasion. I was to have dined with them, but, as the dinner-hour came on, my courage oozed out (I prefer parties of six or eight at most). So I called off, surrendered my ticket to some applicant not so intolerant of dinners of twenty-five hundred, and dined with Webster's agreeable family-party—his wife and daughter and relative Mrs. Paige—at the hotel. He returned to us early in the evening, sliding into the room joyously, half as if he were dancing, and as if to tell, good-naturedly, that he was glad to come back to us. After a little while, I said, 'But I am sorry to have missed your speech, which they say was a capital one.' 'Order in some wine and water, and I will speak it to you over again;' which he did most festively, stopping by the way to tell me that he had wished and had prearranged with himself to make such and such points. Fancy how delightful and how attaching I found all this genial bearing from so famous a man; so affectionate, so little of a humbug. His greatness sat so easy and calm on him; he never had occasion to whip himself into a froth.

"Our friend Southey once said to me, playfully, 'Oxford is a place to make an American unhappy.' For my part, I find that you Westerns love our Oxfords and abbeys and such things still better than we do. *Vous êtes plus Anglais que nous autres.* And it could not but be a pride and a pleasure, mixed with a still better feeling, to me an Englishman, to see how Webster was struck and delighted with the colleges, the chapels, and halls, and yet more, perhaps, with the college gardens, and Christ Church Meadow, and its clear stream, and long avenues, and the old monastic Bodleian. I won't attempt to detail to you what you will so much better *realize* to yourself, to use your convenient Americanism, which we are all adopting here, as a word wanted in your application of it.

"The next day, it appears, we drove to Windsor by Reading, and through the Great Park, calling on Miss Mitford on our way. Miss Mitford has given some account of this visit in her 'Notes to a Literary Life.'[1]

"A ticket from the Lord-Chamberlain's office, of admission to the private apartments of the palace, was to have met Mr. Webster at Windsor, but it had not arrived. But on the circumstance of the omission, coupled with his well-known name, being mentioned in the proper quarter, no difficulty was made. Every one, everywhere, seemed disposed to do him honor.

[1] *Infra.*

"At Eton we were most hospitably entertained by Dr. Hawtrey, the head-master, now Provost of Eton. Webster, I found, had nurtured for himself as strong a sympathy with Eton as with Oxford or Westminster Abbey, and was very desirous of seeing *all* the boys—probably between six and seven hundred—little and big—called together. It was accordingly fixed that we should be there the next morning, to see them go into school. I rather feared the adventure, expecting that we might have a little quizzing from the boys, more especially when I learned from Miss Hawtrey, who kindly accompanied us, that she had never done such a thing before. But not one look of unseemly curiosity, much less of the quizzing which I had rather anticipated, had we to undergo. Webster was not merely gratified, he was visibly touched by the sight. You remember that Charles Lamb said at Eton—I do not pretend to quote his exact words—'What a pity that these fine youths should grow up into paltry members of Parliament!' For myself, when I saw them so cheerful, and yet so civilized and well-conditioned, I remember thinking to myself at the moment: 'Well, if I had a boy, I should send him to Eton.'[1]

"While at Windsor he kindly wrote two or three autographs for friends of mine, who had sought, through my interest, to get them. I said: 'Mr. Webster, I do not myself collect autographs, but, now you are about it, will you give me one also to keep as a recollection of this pleasant tour?' I *have* kept it, and now it has a pensive value for me; to which the stanza which he chose for the autograph seems to lend itself. I transcribe it:

> "'When you and I are dead and gone,
> This busy world will still jog on,
> And laugh and sing, and be as hearty
> As if we still were of the party.
>
> "'JOHN KENYON.
> "'DANIEL WEBSTER.
>
> "'WINDSOR, CASTLE INN, *July* 19, 1839.'

"You will recognize here, my dear Ticknor, the geniality, qualified always, as seemed to me, by a certain pensiveness, which was so attaching a part of his fine nature.

"Let me add two lines more, which will be characteristic too. Our journey being ended, and Webster having acted as paymaster during the latter part of it, I wished to know what I owed him, but could not get any statement from him whatsoever. He plainly meant to shove it off. At last, after repeated pressings, he said: 'Give me a five-pound note and we are quits.' And with this under-payment I was finally obliged to content my conscience as best I might.

"J. KENYON."

At the end of this letter Mr. Kenyon adds:

"DEAR TICKNOR: I do not send these trifling memoranda to the requesting executors, but to you personally. They will give you pleasure,

[1] Mr. Kenyon was childless.

who first made me known to Webster—as it has given me a pensive pleasure to look at my notes—a dozen lines at most—and thence to recall those happy hours I passed with him and his family. I wish I had something to give you for his life; but though he wrote me two or three letters, probably they were hurried ones, and, even if I have kept them, I do not know where to put hands on them.

"Of our common friends I have little to tell you, except that I saw Rogers—now very near ninety—a few days ago, and am to breakfast with him next Sunday. His apprehension and power of remark seem tolerably perfect, though his voice is less distinct. But his memory of late things fails daily, more and more. His sister speaks now most indistinctly, but enjoys to hear, and drives out every day. Love, beginning with dear Mrs. Ticknor, to all your womankind. Will you put the note for Jared Sparks into the post, and let Miss Wormley have hers? God bless you!

"J. Kenyon.

"I enclose some verses from Landor, which he sent me, just written a fortnight ago, he being now seventy-eight. I think them very beautiful. They are his autograph. I see that the 'Spanish Literature' is being translated into German as well as Spanish. Just acknowledge the receipt of this unwonted effort of penmanship of mine."

The following is Miss Mitford's account of the visit to her, referred to by Mr. Kenyon:

"I owe to his kindness, and that of my admirable friend, Mr. Kenyon, who accompanied him, the honor and pleasure of a visit from Mr. Webster and his amiable family, in their transit from Oxford to Windsor—my local position between these two points of attraction has often procured for me the gratification of seeing my American friends when making that journey—but during *this* visit a little circumstance occurred, so characteristic, so graceful, and so gracious, that I cannot resist the temptation of relating it:

"Walking in my cottage garden, we talked naturally of the roses and pinks that surrounded us, and of the different indigenous flowers of our island and of the United States. I had myself had the satisfaction of sending to my friend, Theodore Sedgwick, a hamper containing roots of many English plants familiar to our poetry; the common ivy—how could they want ivy who had had no time for ruins?—the primrose and the cowslip, immortalized by Shakespeare and Milton, and the sweet-scented violets, both white and purple, of our hedgerows and lanes, that known as the violet in America (Mr. Bryant somewhere speaks of it as the yellow violet) being, I suspect, the little wild pansy (*Viola tricolor*), renowned as the love-in-idleness of Shakespeare's famous compliment to Queen Elizabeth. Of these we spoke, and I expressed an interest in two flowers known to me only by the vivid description of Miss Martineau, the scarlet lily of New York and of the Canada woods, and the fringed gentian of Niagara.

I observed that our illustrious guest made some remark to one of the ladies of his party; but I had little expected that, as soon after his return as seeds of these plants could be procured, I should receive a package of each, signed and directed by his own hand. How much pleasure these little kindnesses give! And how many such have come to me from over the same wide ocean!"

Mr. Hallam, the historian, writing to Mrs. Ticknor, under date of January 21, 1840, said:

"I have had more than one opportunity of hearing of you, especially from your very distinguished countryman Mr. Webster, with whom I had the pleasure of becoming acquainted last summer. It is but an echo of the common voice here, to say that I was extremely struck by his appearance, deportment, and conversation. Mr. Webster approaches as nearly to the *beau ideal* of a republican Senator as any man that I have ever seen in the course of my life; worthy of Rome or Venice, rather than of our noisy and wrangling generation. I wish that some of our public men here would take example from his grave and prudent manner of speaking on political subjects, which seemed to me neither too incautious nor too strikingly reserved."

Mr. Denison has recently written to me concerning his last interviews with Mr. Webster in England, saying:

"He visited me at Ossington, my country-house in the county of Nottingham, in the course of the autumn. Indeed, his last days in England he passed with me, on his way from London to Liverpool. While he was with me he talked continually of his intention to quit public life, both professional and political, and to withdraw to a property he had purchased in the Western country. He spoke of this as a settled resolve. With these words on his lips, he embarked at Liverpool. While on his passage, General Harrison was nominated for the presidency. You know how he threw himself into the stream—little thought then of waving prairies and oak openings."

# CHAPTER XXVI.

## 1839–1840.

NOMINATION OF GENERAL HARRISON FOR THE PRESIDENCY—ARRIVAL OF MR. WEBSTER FROM EUROPE—ADDRESS ON ENGLISH AGRICULTURE—DISCUSSION IN THE SENATE ON THE SUBORDINATION OF RACES—OUTLINE OF A GENERAL BANKRUPT LAW—DEATH OF NATHANIEL RAY THOMAS—CORRESPONDENCE WITH THE THOMAS FAMILY—THE POLITICAL CANVASS OF 1840—PRIVATE CORRESPONDENCE.

GENERAL HARRISON was nominated by the Whigs as their candidate for the presidency, at a national convention which assembled at Harrisburg, Pennsylvania, on the 4th of December, 1839. The news of this event met Mr. Webster as the ship approached the harbor of New York, when the pilot came on board. He landed on the 29th. It would be useless to endeavor to trace all the influences which scattered the dreams of retirement that haunted him when he was embarking for his own country. He arrived in a time of great political excitement, and was again drawn into the stream. He was the Hercules on whom his party always called in their extremities, and he again listened to their call.

He proceeded immediately to Boston, to arrange his private affairs. The Legislature of Massachusetts assembled in January, and its members consisted, as usual, of a large proportion of farmers. All were desirous to hear from Mr. Webster an account of his agricultural observations in England. He met them in the evening of the 13th of January, in the hall of the

House of Representatives, which was filled with a great audience of persons interested in agricultural pursuits. He was in his usual evening dress, and wore the fashionable broadcloth cloak of that period, which hung gracefully from his shoulders, in loose folds, to the floor, as he stood by the side of the Speaker's desk, leaning on it with his elbow; and his imposing form never appeared more majestic and impressive than it did, when, in this easy attitude, he talked in a conversational tone to his brother farmers, about English farming. The address, which was entirely informal, is contained in the first volume of his Works. It shows how completely he had studied the peculiarities of English husbandry, in its details as well as in its great general methods, and how wisely he could bring this knowledge to bear upon the improvement of our own agriculture. It appears to have been one result of his observations, that, while the English were in advance of us in the treatment of the soil, by a careful attention to the rotation of crops, our agricultural implements were, even then, superior to theirs, with the exception of those used in drill husbandry, which, at that time, had not begun to be much practised in this country. Perhaps there is no better statement anywhere of what may be called the philosophy of English tillage, than was given by Mr. Webster in illustrating the methods through which crop after crop is taken from the land, and the land is made to grow better and better, instead of deteriorating under the cultivation.

Mr. Webster had been reëlected to the Senate in January, 1839, for the new term of six years, which would commence on the 4th of the ensuing March. He now took his seat under this new election, at the first session of the Twenty-sixth Congress, on the 29th of January, 1840.

Among the debates which took place in the Senate at this session, a discussion occurred which is now little noticed, but which exhibited different phases of opinion upon a topic that will not for a long time cease to be of great practical importance. A majority of the Senate still continued to avoid any action upon the petitions for the abolition of slavery, by laying the question of their reception upon the table. On one of these occasions,[1] Mr. Clay, referring to some recent Northern pam-

[1] February 13, 1840.

phlets in defence of slavery, expressed his approbation of their tone and tendency, and pointed out the illustration afforded by the report of Lord Durham to the British Government, in regard to the relations between the different races in Canada, in which that statesman had laid down the general proposition that no two distinct races can live together harmoniously in the same country without the one being in some degree subordinate to the other. This called up Mr. Calhoun, whose views on the subject were founded on this idea as their corner-stone, and who had promulgated it several years previously, in its application to the situation of the Southern States.[1] The discussion which ensued is important, for the reason that Mr. Webster, to a certain extent, admitted that the contact of the European and African races in the same community presents a peculiar problem of itself. He said that he did not regard the views of Lord Durham, when applied to the relations of different European races in the same country, as founded in reason and philosophy. He instanced the case of Louisiana, in which the French Creoles and the Anglo-Saxon races had commingled, and said that good government was all that was necessary to produce this result. But he said that, where there was a difference of color, the proposition which affirmed the necessity for some subordination might be true; and that, at all events, it presented a distinct question. His meaning undoubtedly was, that, where Nature appears clearly to have prohibited a union of the blood of different races, so that there cannot be, or ought not to be, an amalgamation, if the inferior race exists in great numbers, perfect political equality cannot be introduced. This is not true of the European races, whose amalgamation seems in no way to expose either race to deterioration; while deterioration is a known consequence of a union of the European and the African blood. But it would be an error to suppose that Mr. Webster regarded *slavery* as a necessary consequence of this view. If he had felt himself at liberty to act

[1] Mr. Calhoun's opinion, as he expressed it on this occasion, was, that it was impossible for two races, so dissimilar in every respect as the European and African, to exist together in nearly equal numbers, in any other relation than that which then existed in the South. He said that experience had shown that they could so exist there in peace and happiness, certainly in great benefit to the inferior race, and that to destroy it was to doom the latter to destruction.

upon this subject, he would have given his aid to some plan of gradual emancipation, as he more than once offered to do, if the Southern statesmen could suggest any mode in which a Northern Senator could be of service to them, and in which they would take the lead. But he always avowed himself to be restrained by the Constitution of the United States from intermeddling with an institution which was purely the creature of local law, except where that law was under the direct jurisdiction of Congress, and must derive its existence from the express or the implied sanction of the national Government.

In this debate, too, it appeared in what light these three statesmen respectively regarded the right of petition. Mr. Clay himself, on this occasion, presented the petition which prayed for the abolition of slavery without any discrimination of place; and he said that he presented the paper in deference to the right of petition, which he admitted in its full force. He thought the crisis of this unfortunate agitation was passed; it was certainly passed, he observed, when Congress convened in December. Whether the political uses which had been made of it might not revive it, and revive it in a more imposing form, he was not prepared to say. Mr. Calhoun, on the other hand, propounded a theory on this subject, which was marked by the characteristic subtlety of his political philosophy. He denied that the right of petition is an important political right. He held that it had been superseded, in a great degree, by the far higher right of general suffrage, and by the practice, now so common, of instruction. He said that we had borrowed our notions in regard to it from our British ancestors, with whom it had a value, on account of their imperfect representation, far greater than it had with us; and he appeared to consider its adoption a kind of unnecessary imitation.

Mr. Webster said, in reply to Mr. Calhoun, that he could not permit the opinions expressed by the Senator from South Carolina on the right of petition to pass without a remark. He says, observed Mr. Webster, that our institutions have in a great degree superseded the right of petition. It is strange, if it were so, that those who formed those institutions should have been so careful in introducing it. It was surprising that the Constitution should be so construed as to supersede that portion of the in-

strument which was most cautiously guarded. With the same propriety might be explained away the correlative rights of freedom of the press and liberty of conscience. The right of petition is only worth using in representative governments; in despotisms the subject is permitted to crawl to the foot of the throne, but this could not be called a right of petition. But the Senator says the right of suffrage and the right of instruction render this right of petition unnecessary. Now, the Constitution expressly secures this right of petition, but says not a word about the right of instruction. He was content to hold on to the Constitution, and let gentlemen indulge their peculiar notions about the right of instruction. But, it is asked, does a master petition a servant? No individual is a master of Congress. He petitions a power which has a capacity to redress his grievance.

On the 24th of February Mr. Webster introduced an outline of a general bankrupt law, which he had carefully prepared, and it was, with the numerous memorials on that subject now coming from all parts of the country, referred to the Judiciary Committee. The system which he had sketched was afterward reported as a bill, and was under discussion in the Senate for the remainder of the session. He preferred that the law should provide for both voluntary and compulsory bankruptcy, but there was a decided unwillingness to make the latter provision. Still, as his main object was to provide relief for the great body of persons who had become insolvent during the past ten years of a deranged currency and much disturbance in business, he accepted what he could get—a bill providing only for *voluntary* bankruptcy. His principal speech on this subject was delivered on the 18th of May. It contains a very full exposition of the constitutional power to pass bankrupt laws embracing persons who are not traders, and of the meaning of the term "uniform," as applied to a national system of bankruptcy. He again addressed the Senate on this subject on the 5th of June. Both speeches are embraced in the fifth volume of his Works.[1] No law on the subject was passed at this session.

Among the discussions of this session, an incidental debate occurred on the effects of protective tariffs, in the course of

[1] Pages 3, 26.

which Mr. Webster had occasion to state his own views in opposition to those of Mr. Calhoun. The principal topics of their difference related to the questions whether protective duties on imports operate as a tax on exports, and whether an increased protection of domestic manufactures leads to an undue expansion of the currency.[1] A similar difference of opinion between these two great statesmen appeared in the debate on a bill to continue the Cumberland Road, involving the power of Congress to make internal improvements.[2]

And now I must turn from the affairs of state to mention another of those afflictions with which Mr. Webster's life was checkered. The young man who has already been mentioned as his Western agent, Nathaniel Ray Thomas, at this time about twenty-seven years of age, was taken ill at Washington, in the latter part of February, of a bilious fever. Mr. Webster's relations with the Thomas family, ever since his first residence at Marshfield, had been most affectionate; his kindness of heart toward all who served him is perhaps well known; yet I doubt if the world would have expected to see such letters as I am now to produce, written by a great statesman at the death-bed of one who was not of his blood, and with whom his most important connection was one of common business. This young man, however, was almost as dear to him as a son; if he had, in truth, been his own child, his devotion to him could hardly have been greater; and that devotion was so magnetic in its influence, that it drew a corresponding kindness and attention from some of Mr. Webster's friends who knew "poor Ray" only as a young man whom Mr. Webster loved and trusted. He died at Brown's Hotel, in the city of Washington, on the 18th of March, 1840, and his remains were sent home by Mr. Webster, and were interred among his kindred in the land of the Pilgrims. Dr. Thomas Sewall, of Washington, who printed a brief statement of his case, observed in it that "Mr. Webster, for about one week, was with him almost constantly, day and night."[3]

[1] Works, iv., 528.

[2] Congressional Globe, 1839–'40, Appendix, 366–368.

[3] Writing to Mrs. Webster on the day after his death, Mr. Webster said: "I think it is about twelve years since I took Ray out of his father's house, and found a place for him with a merchant in Boston. From that time he has always seemed like a near connection of the family."

[TO CHARLES HENRY THOMAS.]

"WASHINGTON, *March* 10, 1840.

"DEAR HENRY: Ray has not got along so fast as I hoped, but still he seems to be growing better. His attack was severe, and he is much reduced. He has a tolerably comfortable room at Brown's. Charles is with him a good deal, and we shall take care that he has every thing comfortable. Dr. Sewall says he is in no danger now, and recovering as fast as could be expected. Indeed, he has never thought him in danger. I told Ray, if he did not recover faster, I should send for you to come to him, but he did not think it at all necessary. I shall write you every day until he writes you himself. He has taken a great deal of medicine, and is weak. "Yours truly,

"D. WEBSTER."

"WASHINGTON, *March* 11, 1840.

"DEAR HENRY: I am sorry to say Ray has had a very sick day. He seemed better last evening, but had a bad night. I was sent for early this morning, and found him very desponding, nervous, and wandering. He now wishes you or Mrs. Porter to come and see him as soon as you can; and I hope you will be able to set out on receipt of this. I have been with him all day, and shall stay with him all night. The doctors say his symptoms are more favorable now than they were in the morning; that his tongue, his pulse, and his skin, are all better. They think they shall get him through, and I think so too; but he is still a very sick man, and so possessed with the idea that he shall not recover that it is difficult to give him courage. He is loath to have me leave him even for a short time, and Mrs. Curtis is staying with him while I write this. He has every possible attendance and assistance, and shall lack for nothing. I hope you will come on as soon you receive this. I shall continue to write you every day, and your wife can open the letters. Do not let your mother be too much alarmed. Ray's condition is dangerous, certainly, but still hopeful. As the mails are irregular, you may not receive a letter every day, but I shall write every day. "Yours,

"D. WEBSTER.

"As I shall write to Mrs. W. every day, you will, of course, call upon her in New York, at her father's, and will have the latest accounts. "D. W."

"Thursday Morning, Two o'clock, *March* 12, 1840.

"DEAR HENRY: I hope to get this into the cars, to inform you that a very extraordinary change, apparently for the *better*, has taken place in Ray since I wrote you at six o'clock last evening. From that hour he

seemed to be growing worse. He said he was just about to die, and wished to die; that he had had sweet visions of the other world; had seen his father; should soon join him; and should die happy. He gave me his last messages for you all, and said he should never speak again. From that time he went on groaning, or, rather, screaming like a woman in hysterics, only a great deal worse. He would not take any thing, nor attend to any thing which was said; and there seemed to be no way but to let his delirium exhaust itself. In about an hour he appeared to be choking, and I thought he would strangle, and called both doctors immediately. They did what they could—applied mustard to his stomach, etc., and this appearance of strangling abated. His dreadful groanings, or screamings, continued, and drew a crowd of the family and others round the door of his room. Between eight and nine o'clock he was taken with *convulsions*. The most violent spasms seized his whole frame. The doctor set four persons to rub his limbs with hot brandy; and I thought he would not live five minutes. I went to the door, and told the persons collected there that he was dying. The doctor was himself almost equally alarmed. In about four or five minutes this spasm ceased, his arms dropped, and he lay quite still, and apparently senseless. His eyes were wide open, but he did not seem to hear or know any thing. After lying in this way a little time, when I should have thought he was breathing his last but from his pulse, he, all at once, as suddenly as a flash of lightning, seemed to receive his mind back. He turned over, smiled, called me by name, looked quite natural, and said he had been in a strange condition; that he had been trying to die; knew that he had been wandering, but now felt very much better. So sudden a change seemed almost a miracle. He remembered all that had happened, but remembered it as if he had been in a trance. The doctor immediately gave him an anodyne, and pretty soon he fell asleep, and slept some time. He is now very quiet, and very much disposed to repose. I leave him with Mr. Evans and his nurse till I write this, and Charles goes to try to get it into the cars. I never saw such a sudden change. He seemed like one raised from the dead. It is difficult to give an idea of the distress he was in, or how instantaneously his state was changed for calmness, composure, and freedom from pain. He sends love to you all, and desires me to tell you how much better he is. Let us all devoutly thank God that the life of one we so much love is likely to be preserved. He has had two doctors with him pretty much all day, and I have not left him. I shall now lie down, leaving him with Mr. Evans, Charles, and his nurse, to be called if his mind wanders again. He says he thinks it will not. Good-night. God bless you all!

"DANIEL WEBSTER."

"WASHINGTON, *March* 12, 1840, Five P. M.

"DEAR HENRY: Ray has got through the day so far tolerably well. He has a good deal of fear, and his nervous turns have also been frequent,

but far less violent than yesterday. I have been with him since morning; he has not lost the balance of his mind any time to-day, which, I suppose, is a good symptom. We find difficulty in getting proper attendance, as he wants somebody besides nurses and servants all the time, to keep up his spirits. He is a good deal desponding to-day, but not as much as yesterday. Mr. Curtis and myself shall be with him to-night by turns.

"Yours,

"D. Webster."

[To Mrs. Charles Henry Thomas.]

"Washington, *March* 13, 1840, Friday Evening, Six o'clock.

"I wrote last evening at five o'clock, and had scarcely finished my letter when I was sent for to go to Ray's room. He was worse. He had had a sudden access of fever, and was very wild; and it was difficult to keep him in bed, and keep the clothes on him. After a while, however, he grew composed, quiet, and patient. In a few hours he got one short period of repose. Mr. Evans stayed with him till ten o'clock; Mr. Curtis then went to him, and stayed till four this morning; when I went, and stayed till five this P. M. After I went to him, and along in the morning, he slept considerably, and, through the day, has been more comfortable a good deal than yesterday. This afternoon, as was expected, he had some fever again, but lighter than yesterday; and he can command his mind much better. If the poor young man shall survive this sickness, he will be much indebted to Mr. Evans and Mr. Curtis. Though comparatively strangers, especially Mr. Evans, they have taken a great interest in the preservation of his life, and, notwithstanding their important duties, have devoted themselves to him with paternal affection and solicitude. Mr. Curtis is now with him, Mr. Evans goes at ten o'clock, and I return at four in the morning. We have nurses and servants enough, but he needs somebody with him every moment in whom he has confidence. The thought of being left without one of us with him distresses him very much. He has struggled to-day wonderfully against hallucination of mind, and has succeeded much better than heretofore.

"He knows when these nervous affections are approaching, and arms himself against them as resolutely as possible. The doctors say his important symptoms are decidedly better, and I trust in Providence we may get him through. If human means can preserve him, he will not die. He is really, I think, much better to-day, though a very sick man. I hope Henry is swiftly on his passage hither. He will be very much wanted, even if Ray should get along as well and as fast as our utmost hopes would anticipate.

"P. S.—Seven o'clock: Charles has just come from Ray. He is quite calm compared to what he was last night at this time.

"Mr. Abbott Lawrence and *all his family* are sick with dangerous fevers. Some appear to be recovering, but he himself is quite ill indeed.

As soon as I close this letter I am going to bed, as I had little sleep last night. God bless you all.

"D. WEBSTER.

"We were able to move him to-day into a better room, change his clothes, and make him more comfortable. "D. W."

"WASHINGTON, *March* 14, 1840, Saturday Evening, Ten o'clock.

"I have just left Ray, having been with him since five o'clock this morning, excepting time enough for a short breakfast and dinner. I do believe he is better, and that we have got him through the worst of it by the leave of a kind Providence, but I cannot tell. The doctors say his *physical* symptoms, so to speak, are better; that is to say, his pulse, his skin, and his tongue are all improved. On the whole, he has not been so much bewildered in mind as yesterday, though he had a very violent paroxysm this morning early. In these moments of mental bereavement he is sometimes angry, sometimes, though seldom, exhilarated; but, in general, the tone is that of querulousness and depression. He has talked rationally very much to-day. He has feared very much the return of his nervous or spasmodic affections, and, on that account, cannot bear to be left without somebody with him besides nurses and attendants. I have left Mr. Curtis with him till three or four o'clock, when I shall take his place. There is not much for us to do except constant watchfulness, as there are enough men and women to perform all that is required. He manifests more hope of getting well to-day than he has done before. May Heaven preserve him and all of us! Mr. Lawrence and his sick family are thought to be better. I hope Henry receives my letter to-night, and will leave Boston on Monday. Adieu!

"D. WEBSTER."

"WASHINGTON, Monday Evening, Nine o'clock.

"I am grieved to say that Ray has been very ill all this afternoon. I really do not know what to think of his case. He seems to lie in a sort of trance—says nothing, will take nothing. His pulse is quite irregular, and he is in a state of profuse perspiration. The doctors are applying blisters to the back part of his neck. I am greatly concerned at this new turn which his disease seems to have taken. I really thought, this morning that he was on the fair way to recovery: what to think now, I know not.

"D. WEBSTER."

"WASHINGTON, *March* 16, 1840, Two o'clock P. M.

"I did not write yesterday, having put the duty off to a late hour in the day, and then had not leisure. I went to him yesterday morning at four o'clock, when Mr. Curtis left him. He had had some sleep during he night, at different periods; and in the morning, after I went to him,

he had quite a refreshing repose, and awoke much better than I had seen him. However, his fever came on before long, and he passed a very unquiet day. At night his fever went off and he became composed—passed a good night, and seemed to be decidedly better this morning. He has a little fever now, which will probably go off at night, and I am quite in hopes he is substantially better. We had him shaved, etc., and he looks much improved. We have got a good nurse for him. Charles is with him a good deal, and another man pretty constantly. Hitherto it has been necessary that two men should be always at hand. He inquires frequently for Henry, whom I expect to see by Wednesday. Yours very truly.

"Dan'l Webster."

"Washington, *March* 16, 1840, Monday Evening, Eleven o'clock.

"Ray is growing worse very fast. I do not think he can live till morning.

"D. Webster.

"He is taken with violent convulsions, and must die if they continue."

"Washington, *March* 17, 1840, Tuesday Morning, Five o'clock.

"Poor Ray still lives, but this is the last time I shall ever be able to write and say so. A most awful change has taken place since yesterday morning. We all then thought him out of danger. He was then quiet, rational, had strength left, and disposition enough to take nourishment. At twelve o'clock I went to the Senate for the first time for many days, and wrote a letter at the Senate at two o'clock. Just about that time he was taken with a violent return of fever. I went to him between three and four, and saw that he was very sick again and growing worse. From that hour to this he has been hastening to the unavoidable result. He has been insensible for some hours. He has frequent spasms, but, when they are off, a serene smile is on his face. May God prepare us all to meet this blow with Christian resignation!

"Affectionately yours,

"Danl. Webster."

"Washington, *March* 17, 1840, Tuesday Evening, Eight o'clock.

"Contrary to my expectations when I wrote at five o'clock this morning, Ray is still living. I dare not hope that he is substantially better, or that the final result is more doubtful than I thought it yesterday, although we know not what the infinite goodness of God may design; but his condition is changed; he is more quiet, and apparently more free from pain; and it is a consolation to know, even, that he is likely to go out of life with less excitement and agitation than were upon him yesterday. The nurse, an excellent woman, who has stood over him for the last thirty-six hours, says his appearance is certainly softer and milder than it was twenty-

four hours ago. It would be a great comfort if he should live till Henry arrived, whom I expect to-morrow night. Ray has the best possible attendance from physicians, nurses, and friends. Every thing that can be done is done. I have not been able to be with him myself so much to-day as heretofore, having become a good deal worn down by anxiety. I cannot sleep while he remains in this situation. Let us trust him, and let us trust ourselves, my dear friends, in the arms of God's mercy and goodness.

"DAN'L WEBSTER."

"WASHINGTON, Wednesday Evening, *March* 18th, Eight o'clock.

"The scene closed a few minutes after eleven o'clock last evening, when Ray breathed his last breath. No great change preceded this event, but for some time he had been more quiet. Mr. Evans had just left him. I had been obliged to go to bed, from exhaustion and fatigue. Mr. Curtis reached his room shortly after his decease. Two or three persons besides the nurse and servants were with him in his last moments. He had not been sensible for some time. He spoke, but not coherently. The last time I talked with him, when he appeared altogether rational, was Monday morning, the 16th, as I have already written. I yet hear nothing from Henry, and am obliged to act on my own judgment under the melancholy circumstances. I have directed every thing to be so prepared and arranged, that he may be taken to Marshfield and buried by the side of his father. I cling to the hope that Henry will be here to-morrow at eleven o'clock. In that case he can take the direction into his own hands. If he should not arrive by that time, I shall have the coffin placed in a vault, whence it can be taken any time, to be removed to Marshfield. I feel a good deal overcome, and can only send you all my deepest sympathy. The loss of Ray is to me like the loss of a son. But God's will be done. It is a mysterious providence, but what we know not now we shall know hereafter.

"DANIEL WEBSTER."

"WASHINGTON, *March* 19, 1840, Thursday Evening, Seven o'clock.

"DEAR MRS. THOMAS: I have been greatly troubled, since Ray's death, to know how I ought to act. For two days I have looked anxiously for Henry, but he does not come, and it is now necessary either to inter the body or send it home. I have thought, upon the whole, it would be most agreeable to you and the family that it should be sent home, and have therefore engaged Mr. Haight, whom you know, the sergeant-at-arms of the Senate, to accompany it, hoping that he may meet Henry on the way. If he should not meet him, he will go to Boston, and Mr. Fletcher will then see the coffin conveyed to Duxbury, but I trust he will meet Henry. I pray you, my dear Mrs. Thomas, to support yourself as well as you can,

and help to support others under this affliction. For myself, I feel as if I had lost a beloved son. With great sympathy, and much respect and affection for you all,

"I am, my dear Mrs. Thomas,

"Yours,

"D. Webster."

[To Charles Henry Thomas.]

"Washington, *March* 24, 1840.

"Dear Henry: Mr. Haight returned last evening, and informed me of the progress of his mournful journey. I was afraid he would pass you, but could wait no longer, and am happy that no greater inconvenience occurred, than an unnecessary passage from New York to Philadelphia.

"I did not know what to do about sending the body home. The expense, I was aware, would be considerable, and I had nobody to advise and consult with. Finally, I acted as I thought would be most agreeable to your mother, your sisters, and yourself; and as I should wish that others might act toward me in like circumstances. To-day you will reach home; you will soon perform the last solemn rites, and leave your beloved brother to sleep with kindred dust. You will then, my good friend, have done all that love and friendship can do, and must reconcile yourself, without murmuring, to the will of God. This providence is mysterious, but that which we know not now we shall know hereafter. Every thing is well, because every thing is in His hands, without whose knowledge not a sparrow falleth to the ground.

"I am aware that your mother, Mrs. Porter, and the other sisters, will be penetrated with a most profound grief. They will shed many tears, but pray them to be comforted, and enjoy gratefully the recollection connected with the beloved object, now that they can see his face no more. I have lost children, as dear to me as the drops of my own blood. I have lost other relatives and friends, sometimes cut down by most sudden and awful strokes, and I have suffered most keenly from those bereavements, yet I thank God that those children and those friends have lived. The pain occasioned by their loss is more than compensated by the pleasure of being conscious that they have lived, and that they *do* live, and that the death of the body cannot annihilate their spiritual existence. There is a gratification, though a melancholy one, in the recollections connected with a beloved object deceased. The past is a treasure well secured and safe against all occurrences.

"Poor Ray's last moments of calmness were occupied with thoughts upon you all, and with calm and resigned reflections upon his own situation. He did not appear unwilling to die, if such were the will of God, but for your sakes he wished to live. He spoke of his mother, his sisters, his brother, and of the society of Duxbury, to which he seemed very much

attached. He spoke of Mr. Ware, and said he would doubtless preach a funeral sermon on the occasion. He spoke a good deal of religious matters, incoherently in his fits of wildness, and at other times connectedly and soberly, and said he wished to impress on all the duty of living in this world as in a state of preparation for another. He told me where I should find all my papers which were in his possession, and said what he thought necessary in regard to my business. For some hours before his death he was not sensible, but, so far as I could judge from his countenance, he sometimes appeared distressed, at other times free from pain. When the latter was the case, a serene and happy smile was on his countenance, and I had no doubt but he had before his contemplation those happy visions, which, in an earlier period of his sickness, he said had been revealed to him, and of which he continued to speak often in his quiet moments. He left no particular message for any of the family, but was abundant in pouring out his last blessings upon you all. And now, dear Henry, dear Mrs. Thomas, dear Ann, and all the members of the family, since love and affection can do no more, leave him in the hands of God. Be thankful that he has lived on earth so long, and weep not as those without hope. That death which has happened early, must have happened some time, and of the proper time God is the only judge. And may His blessing be with you and with us all.

"DANIEL WEBSTER."

Thus was this great man, although intently occupied with the affairs of the country, absorbed for the time by the fate of an unimportant individual, who merely formed a very humble part in the scheme of his private and domestic life. What Mr. Webster was, in his real nature, can be known only by these manifestations of his heart. They are as important to his personal history as his utterances on public topics. His intellectual power, his renown as a statesman, his comprehensive patriotism, are all sufficiently appreciated. Yet these parts of his character must not be accounted to have been its whole. Its tenderness and its grandeur are alike to be considered in any just estimate of the man.

Before the adjournment of Congress, which took place on the 21st of July, the probability of the election of General Harrison became very strong. An extraordinary agitation had begun to spread through the whole country at an early period in the summer. The people came together in great masses to listen to political speeches, with an interest that was unprecedented. Popular conventions, processions, and meetings, became matters of every-day occurrence. As soon as the canvass

was fairly opened, Mr. Webster was overwhelmed with letters from all parts of the country. "Tippecanoe clubs" and "log-cabins" were not complete until they had made him an honorary member, and the invitations to address Whig mass-meetings and conventions came like an inundation. Fifteen or twenty different towns simultaneously claimed him for the Fourth of July. Every means was resorted to by committees to secure him for their special occasion. The invitations from New Hampshire put forward the claim of the State of his birth, while those from the Western States alluded to his well-known interest in that great section, and to the services which he had rendered to it. If, in the confusion of all these calls, he found himself able to accede to one, he was immediately pressed to afford the people in the neighboring counties an opportunity of hearing him. Places a hundred miles distant from that at which he had consented to speak, hoped that he would favor *them*, now that he was "so near." In all our political history there has been no such universal popular wish to hear public topics discussed by any single statesman. The desire to hear Mr. Webster arose from the unusual excitement in men's minds, and from the feeling that his opinions were of the utmost importance to a correct settlement of the questions at issue in the pending election.

Those questions chiefly arose from the deranged condition of the currency, and from the stagnation of business which such derangement of necessity produces. The policy and course of the last three Administrations were under review before the people, and on these questions Mr. Webster sought, in the general upheaving of society, to guide and instruct the public mind, as well as to gratify its thirst for political discussion. His principal speeches were made at Saratoga in August, at Bunker Hill and in the city of New York in September, and at Richmond in October.[1] In these, and in all the other numerous public addresses which he made in the course of this summer and autumn, the condition of the currency and the causes of that condition, the necessity for a regulating power, and the responsibility of the preceding Democratic Administrations for the existing state of things, were the great topics. In

[1] Works, ii., 1–103.

the circumstances attending the election of General Harrison to the presidency, there was doubtless a great deal of vague general excitement, at once evinced and promoted by certain popular cries, which did not prove that a definite political issue was acted upon by all the masses of people who gave their votes to the Whig candidate. But, after deducting all that should be subtracted on this account from the real meaning of the election, a full investigation of the whole canvass will show that the result was a popular verdict against the course that had been pursued under General Jackson and Mr. Van Buren in relation to the currency, and a popular assertion of the expediency and necessity of establishing a national bank of some kind, under proper regulations and restrictions. That the people of the United States remained constant to this opinion, I do not mean to affirm, and, in the course of a further description of Mr. Webster's relation to this subject, it will appear from what accidental and personal causes the Whigs were unable to give effect to a policy which they claimed to have received the sanction of the people. But, that the fair result of this election was such as I have described it, there can be little doubt.

[FROM MR. DENISON.]

"OSSINGTON, *March* 23, 1840.

"MY DEAR SIR: It gave us sincere pleasure to hear of your safe return to your own shores. I have been putting off writing to you from day to day, in the hopes of making my letter more acceptable, by its containing the account of the Water Meadows.[1] This is now finished and with the printer, but there has been a delay with the engraver, who has a plan of the meadows, and drawings of the valves and shuttles to send out with the letter-press, and without which it would be very incomplete. I will take care that a copy shall be sent you as soon as one can be procured. My account is plain and matter-of-fact; it will require a little dressing up from your own recollections, to bring the reality before the eyes of those who have never seen the ground. Do you remember how happily the thick mist cleared off when we got into the old forest, and how the white bark of the birch glanced in the sun among the old brown oaks? We had, as you predicted for us, a winter of continued wet. The ground remained in the state in which you saw it, more like chaos than old worn-out tillage. Very little wheat was sown before Christmas, and the faces of Herod[2] and

[1] This refers to a great work of irrigation of the Duke of Portland's, near Mansfield, which Mr. Webster visited.

[2] The name of the farm baliff.

Co. looked very blank. The rain continued through January; all hopes were then set on February. February came, and the wet continued till about the 20th, and then cold winds and frost set in, and perfectly dry weather has continued ever since. In a week the whole aspect of matters changed. The land was fit for working, wheat was sown over thousands and thousands of acres, and I should say that we are now rather forwarder than usual with sowing the spring corn. As more wheat than usual was sown on the dry lands last autumn, and as now the wet lands have all been sown, though late, I should not be surprised, if, with a favorable year, the produce of wheat will rather exceed than fall short of an average. So entirely have twenty dry days cut up prophets and their predictions.

"I have hardly been a day away from home since you were here, except to London for a few days at the end of February, to attend the marriage of the eldest of my unmarried sisters. There has been no great change in political matters since you were here. The Tory party, by compelling a vote of confidence at the opening of the session, did all that was possible, and more than was thought possible, to strengthen their opponents. The Government, having got this vote of general confidence, need not regard incidental defeats. In commercial matters, not much change either. It has been a severe winter for the laboring population in the manufacturing towns, and all eyes are turned to America, earnestly hoping that you will, with your usual elasticity, set things to rights at home, and enable the stream of commerce to flow as heretofore.

"I make sure that your trip to Europe has vastly increased the circle of your interests. As it was said, by as many languages as a man speaks, by so many times is he a man. It is as true, by as many countries as a man has seen, by so many times is he multiplied. Now that the occasion is gone, I still more regret the very little time I had the fortune to spend in your society, but I see by the papers they are building steamboats longer and longer every day. Soon, perhaps, it will save trouble to make a bridge at once. So before very long we must meet again. The casks of apples and nuts were safely received. My best thanks for them. The nuts had become hard and dry, but the apples were very good. I gave one cask to my mother in London, where they were highly prized. I shall hope for the account of your affairs at home, political and commercial, which you were to send me. I take great interest in them, and so must all the world, for they affect the condition of all the world. You see that little black man, Thiers, has, for the moment at least, beat your friend Louis Philippe. All parties and people here are unanimous in praising the manners and bearing of our Queen's husband, Prince Albert. Lady Charlotte desires her best remembrances, and to be allowed to join me in kind regards to Mrs. Webster and your family.

"Believe me,

"Yours very sincerely,

"J. E. Denison.

"Sydney Smith has published all his works in four volumes, his articles in the 'Edinburgh Review,' and his late pamphlets on 'Political and Clerical Questions.' I think the book would amuse you."

Mr. Everett, who was now out of public life, having determined to go abroad, had written to Mr. Webster, offering to superintend the education of his son Edward, who had remained in Europe. The following letters relate to Mr. Everett's departure:

[TO MR. EVERETT.]

"WASHINGTON, *May* 24, 1840.

"MY DEAR SIR: I sit down to answer your very kind letter of the 9th instant.

"Your offer in regard to Edward is so very kind and advantageous, that I have written to him that, unless he shall have made definite arrangements for his return home, he may accept it, and join your family at Florence, or elsewhere, as he may be advised by you. I need not say I feel sensibly your great friendship, as manifested in this matter. I am sure Edward will be most grateful, and know not how else he can pass some time with more chance of improvement. He is amiable, I hope tolerably well-mannered, and I think has rather a strong purpose of making something of himself. I write to him that as soon as you land in Europe you will write to him. His address is, 'Mr. Edward Webster, M. de Boit, Rue Beauregard, No. 66, Geneva.' I could wish also that, on your arrival, you would write to him to the care of 'John Watson, Brunswick Hotel, Hanover Square, London,' to be kept for him there. By one or other of these means, he will be nearly certain to hear from you early.

"In all matters relating to his studies, I must ask your friendly and parental directions to him. I believe he destines himself for the law; but, while with you, he will, of course, attend to literature and general knowledge, and I hope, make progress in modern languages, especially the French. Whether he would like to study Italian, I do not know.

"Let me know if there be any thing I can do for you. I shall be strongly tempted to go to New York to say good good-by to your wife and children, and to give you a parting shake by the hand.

"With all possible wishes, yours,

"DAN'L WEBSTER."

[TO MR. SAMUEL ROGERS.]

"WASHINGTON, *May* 25, 1840.

"MY DEAR SIR: Some time in August I hope this letter will be put into your hand by my personal and particular friend, Mr. Everett. Twenty

years ago Mr. Everett was in England, and made the acquaintance of Lord Byron, Sir Walter Scott, Lord Stowell, and others, who have since joined the great congregation of the dead. He remembered you, and he has therefore a great pleasure to come.

"Mr. Everett is a scholar, if we may be thought to have reared one in America. For some years past he has been engaged in political life, as a member of Congress and Governor of Massachusetts. He now goes abroad with the intention of passing some years in France and Italy. His family are with him, but he has informed me that he thinks of leaving them in Paris, and of making a short visit to London before going into winter quarters on the Continent. As he is my fast friend, I commend him to you, my dear Mr. Rogers, as a sort of 'Alter Ego;' but he is a much more learned, a more wise, and a better 'Ego,' than he who writes this. Have the kindness to make him known at Holland House.

"A thousand blessings attend you, my dear sir, and many happy years yet be yours.

"Dan'l Webster."

# CHAPTER XXVII.

## 1840–1841.

ELECTION OF PRESIDENT HARRISON — MR. WEBSTER INVITED TO BECOME SECRETARY OF STATE—OUR RELATIONS WITH GREAT BRITAIN — DANGER OF WAR — MOTIVES FOR ACCEPTING THE STATE DEPARTMENT—CLOSE OF MR. VAN BUREN'S ADMINISTRATION—SELECTION OF A SENATOR TO SUCCEED MR. WEBSTER—HIS RESIGNATION OF HIS SEAT—VINDICATED BY MR. CLAY—ATTITUDE OF THE NORTHEASTERN BOUNDARY QUESTION—STATE OF FEELING IN ENGLAND—THE CASE OF THE CAROLINE—McLEOD'S ARREST AND INDICTMENT — INSTRUCTIONS TO THE ATTORNEY-GENERAL—DEATH OF PRESIDENT HARRISON — CONTINUATION OF THE HARRISON CABINET UNDER PRESIDENT TYLER —ANSWER TO THE DEMAND FOR McLEOD'S RELEASE—EXTRAORDINARY SESSION OF CONGRESS—THE QUESTION OF A BANK—THE PRESIDENT'S "VETO" OF THE BANK BILL—SEPARATION OF THE WHIGS FROM PRESIDENT TYLER—MR. WEBSTER'S OPINIONS ON THE BANK QUESTION—PROPOSED "FISCAL CORPORATION"—ATTACKS ON THE PRESIDENT—RESIGNATION OF ALL THE CABINET EXCEPT MR. WEBSTER—HIS REASONS FOR REMAINING—CHANGE OF MINISTRY IN ENGLAND—APPOINTMENT OF MR. EVERETT AS MINISTER TO GREAT BRITAIN—ACQUITTAL OF McLEOD—MR. WEBSTER'S NEW LAW TO MEET SUCH CASES—PRIVATE CORRESPONDENCE—SWINDLES BY "MONROE EDWARDS."

GENERAL HARRISON was chosen President of the United States, in November, 1840, by a very great majority. This triumph of the Whigs made it necessary for Mr. Webster to accept the office of Secretary of State. Dur-

ing the canvass, he had been in confidential correspondence with General Harrison, with respect to various affairs; but nothing whatever passed between them in regard to Cabinet appointments, until Mr. Webster received from the President-elect the following letter:

[FROM GENERAL HARRISON.]

"FRANKFORT, KENTUCKY, *December* 1, 1840.

"MY DEAR SIR: I received your kind letter of the 11th ultimo at this place, on this day week, just as I was about to set out for Lexington, to dine with Mr. Clay, who had waited on me here, and invited me up to dine with some of my old friends. I expected to be absent but three days, and left yours and other letters to be answered on my return; but found it impossible to get away or evade the hospitalities of my friends in and about Lexington until this morning, and I avail myself of the first moment of being alone to write to you.

"Since I was first a candidate for the presidency, I had determined, if successful, to solicit your able assistance in conducting the Administration, and I now ask you to accept the State or Treasury Department. I have myself no preference of either for you, but it may perhaps be more difficult to fill the latter than the former if you should decline it. It was the first designed for you in the supposition that you had given more attention to the subject of the finances than Mr. Clay, to whom I intended to have offered the State Department. This, as well as any other post in the Cabinet, I understood, before my arrival here, from an intimate friend of that gentleman, he would decline. This he has since done personally to me. If you should think it advisable to pursue the same course, will you do me the favor to name some one of your Eastern friends for the Treasury or some other department. Would you recommend your Governor-elect for the Treasury, if you should determine to decline it? I shall set out to-morrow for Louisville, and shall be at home as soon as your answer can reach Cleves. Do not believe, my dear sir, that I mean, by what I have said above, to restrict your choice, as to the formation of the Cabinet, to a single individual. Give me your advice freely and fully upon that and every other subject, whether you occupy a place in the Cabinet or not, and it will be at all times thankfully received by your friend,

"W. H. HARRISON."

While this letter was in his hands, the voice of private and domestic interest—that interest which finds its best expression in the tender anxieties of woman—reached him from his daughter. She was not a person who could not weigh the claims of the country upon such a man, but, with the natural

instinct of her sex, she had long seen some of the springs of action which are always to be found actuating a part of those by whom every such statesman is surrounded. If she leaned to the caution which her sagacity led her to feel and to express, we may pardon her that her filial love was stronger than her patriotism.

[FROM MRS. APPLETON.]

"BOSTON, Friday, *December* 11, 1840.

"I THANK you, dear father, for your kind letter from Philadelphia, which I received to-day, and still more for the verses enclosed in it. I think them beautiful, dear father, and thank you for associating me in remembrance with my dear mother. I have never thought of her so often as since I have had a child of my own, and, could I be but half so good a mother as she was, I might hope to fulfil my duty to my little girl, but hers, I fear, was a goodness which I cannot attain.

"We are all quite well here. My strength increases gradually, and I hope before long to be quite myself again. I wish you could see my baby. She has improved very much since you left, and begins to show some signs of intelligence. Everybody says she is a very bright child, but, of course, everybody would tell its mother so, and she, of course, believes it.

"We cannot have had so much snow here as there has been farther South, for I have not heard of our railroads being impeded. We have had enough, indeed, to make poor sleighing and intolerable walking. You are now, I suppose, immersed once more in the cares and excitements of public life. Do not let it interfere with your health, dear father. Pray, let that be your greatest consideration. Surely you have done enough for your country, did you never utter another word in its behalf, to be considered the best and noblest among the noble sons of America. Has not the fame of your greatness extended to the uttermost parts of the earth? It cannot be increased, and do not, dearest father, wear yourself out for the good of a country ungrateful at best. What is the whole country to your family when weighed in the balance with one hour of sickness or anxiety which it causes you? I am no great patriot, I do not love Rome better than Cæsar; the advancement of party better than my own dear father. I delight to think that you have never held an office, a fact which can be pointed to as proof, if proof were wanting, of the perfect disinterestedness of your patriotism. Don't you think you would be happy to live once more at home with your old friends? Do come back to us, dear father, and do not be persuaded to stay in Washington by persons who may not be altogether disinterested in their motives, who may look to you to advance them further than their own unassisted efforts could ever do. Do not be angry with me, dear father, for saying all this:

my pen, I fear, has outrun my discretion, but I have thought so much on this subject lately, that I have said more than I intended. I am not naturally suspicious, but I do mistrust some of your friends. You must not think that my husband has influenced me at all, as he does not know of my writing you, and perhaps would think me quite wrong in doing so. You must forgive me, if I have said more than a daughter ought.

"I hear from mother frequently; she seems to be having a gay time in New York. Every thing goes on in our quiet town as when you were here. The ladies are more interested in the prospect of assemblies than any thing else. Caroline and her children are well. Mr. Joy is shooting deer on the Cape. He sent home a noble one yesterday. I believe they have killed two of the poor things. Mr. White and his wife are at the Maverick House.

"I hope you will succeed in getting comfortable quarters in Washington. Pray remember me to Mrs. Lindsley and Harriet. Caroline Appleton desires her best love to you, and I am ever, dear father, your affectionate daughter,

"JULIA."

But if there ever was a man whose destiny was controlled by public events and circumstances, which rendered a sacrifice of private interests unavoidable, it was Mr. Webster. It was not his real desire to enter the Cabinet at all. If he could have consulted his personal wishes, and had felt that his pecuniary circumstances would allow it, he would have preferred the post of minister to England. But, as soon as the result of the election was known, he began to receive multitudes of letters congratulating him and the country, and attributing that result mainly to him. Most of these intimated the wish and expectation of the people from all quarters that he should stand at the head of the new Cabinet, and, when it was understood that this position had been offered to him, he was urged from all sides not to think of declining it. The importance of the crisis and the need of a "strong hand near the head of the Administration" were urged upon him with irresistible force. The following are his answer to General Harrison and the General's reply:

[TO GENERAL HARRISON.]

"WASHINGTON, *December* 11, 1840.

"MY DEAR SIR: Having been detained on my way by the late storm, I did not reach this city until the evening of the 9th, and yesterday morn-

ing, the 10th, your letter of the 1st instant was delivered to me by Colonel Bond.

"It becomes me, in the first place, to acknowledge my grateful sense of the confidence evinced by your communication, and to assure you how highly I value this proof of your friendship and regard.

"The question of accepting a seat in your Cabinet, should it be tendered to me, has naturally been the subject of my reflections and of consultations with friends. The result of these reflections and consultations has been, that I should accept the office of Secretary of State, should it be offered to me, under circumstances such as now exist.

"I am willing, therefore, to undertake the duties of the office, prepared to give to their faithful discharge my best ability and all my efforts.

"You are kind enough to suggest that my acquaintance with the subjects of currency and finance might render me useful as head of the Treasury. On that subject my view has been this: I think all important questions of revenue, finance, and currency, properly belonging to the Executive, should be Cabinet questions; that every member of the Cabinet should give them his best consideration, and especially that the results of these deliberations should receive the sanction of the President.

"This seems necessary to union and efficiency of action. If to these counsels I may be supposed able to contribute any thing useful, I shall withhold myself from no degree of labor, and no just responsibility.

"For the daily details of the Treasury, the matters of account, and the supervision of subordinate officers employed in the collection and disbursement of the public moneys, I do not think myself to be particularly well qualified. I take this occasion to say I entirely concur in the opinion which has been expressed by you, that on these subjects of finance and revenue, as on other grave subjects, the duty of originating important measures properly belongs to Congress.

"By accepting now the offer of the Department of State, however, I do not wish to preclude you from again suggesting the Treasury Department to me, if you should find it more easy to fill the former than the latter office satisfactorily with another person.

"You are pleased to ask my opinions in regard to the manner of filling the other departments.

"On this important and delicate subject I will write to you within two days. I now only assure you that, in what I may say, my object will be only to make suggestions for your consideration; as I have confidence in your judgment, and no motive but to see you surrounded by a strong, comprehensive, and popular Cabinet, such as shall satisfy the expectation of the country, and promise success and honor to your Administration.

"Yours very truly,

"D. WEBSTER."

[FROM GENERAL HARRISON.]

"NORTH BEND, *December* 27, 1840.

"MY DEAR SIR: I duly received your favor announcing your having acceded to my wish in taking a place in the new Cabinet, and I entirely approve of your choice of the two tendered to you.

"Your subsequent letter, making suggestions as to the filling the other departments, has also been received, and I thank you for them. I will not come to any definite conclusion as to the Treasury, War, and Navy, until I reach Washington, which will be about the last of January.

"I tell you, however, in confidence, that I have positively determined against S——; there is no consideration which would induce me to bring him into the Cabinet. We should have no peace, with his intriguing, restless disposition.

"We will have nobody of that character; and, if we do not, and can secure men of competent talents and moral worth, we can insure to ourselves a quiet and successful Administration. Depend upon it, we have the people with us, and if we do not depart from our professions they will stick to us. I am glad to say that, as far as I can learn, your call to the State Department has given universal satisfaction to our political friends.

"From the number of visitors which I have here, I have less leisure than when I am in Cincinnati.

"I am, dear sir, most truly yours,

"W. H. HARRISON."

But once, since the United States became an independent power, had there been such an accumulation of questions threatening to disturb their peaceful relations with Great Britain, as that which Mr. Van Buren's Administration devolved upon its successors. In the first place, the negotiations respecting the boundary between the United States and the British Provinces of Nova Scotia and Canada, which had been going on, at intervals, ever since the Treaty of 1783, had resulted in nothing. The subject had become involved in an inextricable maze of difficulties, arising from the various attempts to ascertain the true construction of the treaty, and to establish the line that it called for. At the close of Mr. Van Buren's presidency, it had been agreed that there should be a new survey and a new arbitration, but the mode of constituting the arbitration and of submitting the questions in controversy had become hopelessly complicated with a variety of projects and counter-projects, pending which there was an agreement re-

specting the temporary possession of the disputed territory, in which it had been and continued to be very difficult to keep the peace.

To this long-standing subject of dispute, there had been added others of a still more irritating character. In 1837 there was a civil commotion or rebellion in Canada, on the suppression of which many persons who had been engaged in it fled to the United States, and here organized, with the aid of some of our citizens, the means of making hostile incursions into that province. For this purpose they made use of an American steamboat called "The Caroline," which was said to have carried supplies and reënforcements for the invaders from Navy Island in the Niagara River to the Canadian shore. In the latter part of December, an expedition left the Canadian side of the river, to accomplish the destruction of this vessel, then believed to be at Navy Island, which was British territory. The Caroline was, in fact, at that time moored to the American shore, opposite to the island. The persons composing the expedition, or some of them, thereupon crossed to the American side, cut out the vessel, set her on fire and adrift, and she was carried over the Falls of Niagara. A citizen of the United States, named Durfree, was killed in the fray, at the time of the capture of the vessel. The Government of Great Britain immediately avowed this invasion of our territory to be a public act, and a necessary measure of self-defence; but, when Mr. Van Buren went out of office in March, 1841, it was a disputed point whether the avowal had been made in "an authentic manner." This affair, moreover, had become complicated with another difficulty which grew out of it. In November, 1840, one Alexander McLeod came into the State of New York from Canada, and was arrested by the State authorities, upon his own boastful declarations that he had himself murdered Durfree at the time of the capture of the Caroline. McLeod was held for trial by the State authorities on this charge of murder, and at the close of Mr. Van Buren's presidency he was detained in jail at Lockport, N. Y., awaiting his trial. Popular feeling both in Great Britain and the United States was in a state of great exasperation, in consequence of the grievances alleged on each side of this controversy, and undoubtedly there had been no

greater hazard of war between the United States and England since the peace of 1815, than was incurred by the delicate and difficult questions growing out of this occurrence.

In addition to this, the long-standing claim of England to impress her own seamen and to take them out of American vessels on the high-seas, in time of war, and her further claim to exercise the "right of search," in the suppression of the slave-trade, by visiting vessels sailing under the American flag, in order to ascertain their national character, had not been disposed of.

Before the actual negotiations were entered upon which were finally to settle these difficulties, they had become still further complicated by a new cause of dissatisfaction. In the winter of 1841–'42, the brig Creole, with a cargo of merchandise and slaves, was on her way from Richmond to New Orleans, when the slaves rose upon the master and crew of the vessel, killed one man and confined the rest in the hold, and then put in at the port of Nassau, on the British island of New Providence, in the West Indies. The British authorities at Nassau, instead of relieving the crew and setting the vessel again upon her course, as it was afterward claimed they ought to have done, liberated the slaves and assisted them to escape, and left the crew to make the best of their misfortune. This alleged outrage was resented with great spirit by the people of our Southern States, whose peculiar interests were affected, and several other instances of the escape of slaves, when American vessels had been driven by stress of weather into British West Indian ports, were called to mind, and served to make up a special grievance to be redressed by the British Government.

Such was the state of our relations with Great Britain when the Department of State was offered to Mr. Webster. His chief motive in accepting it is to be found in his belief that he could settle these controversies. General Harrison had become President of the United States by a very large popular vote. It was, therefore, to be expected that his Administration would command the confidence of a great majority of the people. The general voice of the country strongly approved his act in intrusting to Mr. Webster the care of our foreign relations. It was quite apparent to Mr. Webster himself that, if *he* could

not dispose of these questions, no one could do so. They were complex in their character, and to this intrinsic difficulty there had been added the further embarrassment arising from long and involved negotiations which had advanced none of them toward a satisfactory conclusion. To attempt their settlement under such circumstances was to incur a great risk; a risk that was not a little enhanced by the tendencies and spirit of the very eminent statesman who held the seals of the British Foreign Office at the time when Mr. Webster was asked to take the corresponding position in our Government.

Lord Palmerston had been at the head of the foreign relations of England for a period of ten years. If there was a certain frankness in his diplomacy, there was also a certain tartness, especially toward the United States; a quality that was perhaps brought into play toward us, by what had long been considered in England as the aggressive spirit of American politicians. Mr. Webster was well convinced that all these topics, each involving much controversy, must be handled in a manner very different from that in which they had been hitherto treated; but, as he could not count upon a change of ministry in England, he had to accept the appointment that was offered to him, in the prospect that the negotiations must be continued with a minister who had not manifested a conciliatory temper toward this country, and whose general tendencies were supposed to be warlike. But Mr. Webster's reputation on both sides of the Atlantic entitled him to believe that any course which he should recommend to be taken would be received by the public mind in England with scarcely less attention than it would be in the United States; and that, whoever might be the minister with whom he should have to conduct these controversies, it might be in his power so to shape them as to secure, to his moderate and just views of what was right for both countries, a preponderating weight of British as well as of American opinion. In this belief he assumed the duty of settling these questions, and by their settlement of preventing a war.

As usual, the last session of Congress, previous to the incoming of a new Administration, was one of no considerable interest. President Van Buren, in his annual message, discussed the subject of the finances, lauding the Sub-Treasury

system,[1] and condemning the project of a national bank. In the Senate it was moved to refer this portion of the message to the Committee on Finance. Mr. Webster asked a postponement of the subject for two days, and then, on the 16th of December, made an elaborate exposition of the actual situation of the Treasury, showing that a national debt had already been begun.[2]

Having determined to accept the office of Secretary of State, and expecting to resign his seat in the Senate before the 4th of March, Mr. Webster desired that his friends in Massachusetts, in the choice of his successor, should be unembarrassed by the relations that had long been known to exist between himself and a gentleman who was much thought of for the seat. Mr. John Quincy Adams, after having filled the office of President of the United States, which he left at the age of sixty-two, had entered the House of Representatives in 1831, and was still in public life and still a member of that body. In 1836, an occurrence had taken place in which Mr. Webster had felt himself deeply wounded by the course of Mr. Adams toward him. The result was a coldness between them, which had continued down to the time when it became possible that many of the people of Massachusetts might desire that Mr. Adams should succeed to the seat of Mr. Webster in the Senate. The following letter was addressed by Mr. Webster to one of his personal friends then serving in the Legislature of Massachusetts:

[TO THE HON. SOLOMON LINCOLN.]

"Washington, *January* 15, 1841.

"My dear Sir: You are aware of my intention to vacate my seat in the Senate, in such season as that it may be filled before the 3d of March.

"As this is generally expected, it is natural that the thoughts of members of the Legislature should be turned toward the subject of the selection of a successor.

"With such elections I have never interfered, nor do I intend to interfere now, any further than will appear from the sequel of this letter.

"It is obvious that Mr. Adams will be among the candidates, out of

[1] This favorite measure of Mr. Van Buren's had been introduced at the extra session of Congress in the first year of his Administration, and passed the Senate, but had been laid on the table in the House of Representatives. It was revived at every subsequent session until it was finally made a law on the 30th of June, 1840.

[2] See the "Speech on the State of the Finances in 1840," in Mr. Webster's Works, v., 40.

whom a choice is to be made. Some years ago, as you well know, an incident occurred which interrupted intercourse between Mr. Adams and myself for several years, and wounded the feelings of many of my friends as well as my own. With me that occurrence is overlooked and forgotten. I bury all remembrance of it under my regard for Mr. Adams's talents, character, and public services.

"It is the purpose of this letter to express a hope that no friend of mine will suffer the recollection of it to influence his conduct. Perhaps I am guilty of presumption, in supposing that my friends might desire this declaration from me; but, in that case, it will only be superfluous, not harmful. Mr. Adams's great knowledge and ability, his experience, and especially his thorough acquaintance with the foreign relations of the country, and the zeal which he manifests for the good cause of the country, will undoubtedly make him prominent as a candidate; and I wish it to be understood that his election would be personally altogether agreeable to me. I shall write to nobody else, my dear sir, on this subject. You are at liberty to communicate the substance of this letter whenever you may think it necessary; but I do not wish any publicity about it, nor any use made of it not called for by circumstances.

"I am, dear sir, with true friendship and regard,

"Yours,

"Dan'l Webster.[1]

"Mr. Lincoln."

Mr. Webster's letter, resigning his seat, addressed to the Vice-President, was read in the Senate on the 22d of February. The letter having been read, Mr. Wright, of New York, and Mr. Cuthbert, of Georgia, rose simultaneously. The former, a leading Senator, long politically opposed to Mr. Webster, probably intended to pay a compliment, according to the amenities which generally prevail on such occasions. But the Vice-President recognized Mr. Cuthbert, who immediately proceeded to say, that, if Mr. Webster had been in his seat, he should have interrogated him on a subject in which "the people of the South had a deep and vital interest; and, in relation to which, it had been said that the Senator from Massachusetts had undergone some change of opinion. If the Senator from Massachusetts could explain this change of sentiment satisfactorily, he would stand better and stronger and firmer with the South than he did now." It appears that the matter which Mr. Cuthbert thought proper to bring forward in this

[1] The gentleman finally selected as Mr. Webster's successor in the Senate was Mr. Choate. Mr. Adams remained in the House of Representatives.

manner related to the opinion said to have been expressed by Mr. Webster many years previously, that Congress, under its power to regulate commerce between the several States, could prohibit the transportation of slaves from one State to another for sale. This intemperate and foolish attack drew from Mr. Clay the following rebuke:

"That it was his friend's intention to resign his seat, was a fact which had for some time been generally known, and had been stated in the journals of the day, and the Senator had been here in his seat till near three o'clock. He must therefore repeat the expression of his deep, his profound regret that, at a moment like this, when every member of the body could not but feel the great void which had been created by the act which had just been announced to the Senate, from the absence of that commanding eloquence, and that unsurpassed logic which had been so long and so often exerted in support of the rights and the best interests of this country; in the midst of this feeling of general regret—for he would do gentlemen on the other side the justice to believe that, notwithstanding political differences of sentiment, the feeling was fully participated in by them—that, at such a moment, the Senator from Georgia should have deemed it becoming, and a suitable opportunity, to introduce the subject to which he had just alluded. The day when one of the noblest specimens of American eloquence, one of the brightest ornaments of these halls, of this country, and of our common nature, had retired from his seat in the Senate, perhaps forever, to assume a station of still higher importance, and of still wider influence over the welfare of this land, was certainly not the time that most gentlemen would have selected for the purpose of interrogating him as to any sentiments he might at a former time have uttered. He doubted its propriety at any time. The interrogatories to be put had no connection with any subject now before the Senate; and the practice had never been introduced into our American halls of legislation to put interrogatories to ministers, as was customary in England. But, if the Senator from Massachusetts had recently intimated any change of opinion in reference to the subjects to which the member from Georgia alluded, why should that gentleman doubt his sincerity? On what subject had he these doubts? He, standing in his place, could be witness for his friend from Massachusetts, that, from his first appearance in the Senate down to this day of his regretted resignation, no sentiment had ever been advanced by him which was not perfectly catholic, and which did not regard as much the rights of the South and the great interests of the West as those of any other portion of the Union; on the contrary, he had ever been ready alike to defend and maintain, in the most determined manner, the rights of every quarter of the country. He had, on all occasions, declared it as his sentiment, that the Constitution of the United States conferred upon Congress no power, directly or indirectly, to touch

the subject to which he presumed the Senator alluded, certainly not beyond the limits of the District; and even within the District, although he might be of opinion that the mere abstract power did exist, yet he believed as strongly that it would be inexpedient to exercise it. On what subject, then, did the South want guaranties as to his course in a higher and more extended sphere of action? His elevation to that station was an homage richly due to him for services and talents unreservedly devoted to the service of the country for twenty or twenty-five years past. And the present was the first and only proof which he had ever received of the due estimation of those services by the offer of *any* office under the Federal Government; and he would here publicly express his full and entire conviction that there was no subject in regard to which the South need indulge apprehension in consequence of his elevation.

The following private correspondence between Governor Kent, of Maine, and Mr. Webster, just previous to the inauguration of President Harrison, exhibits the precise attitude of the Boundary Question at that time:

[FROM GOVERNOR KENT.]

"AUGUSTA, ME., *February* 17, 1841.

"DEAR SIR: In view of the relation which it is understood you will sustain to the new Administration, and the position I now occupy, I have taken the liberty, at this early day, to submit to you, and through you to the President-elect, some considerations on a subject of great interest and importance to the United States, and particularly to Maine. I do not intend to enter into a discussion of the great questions pending unadjusted between this country and Great Britain, as you understand them, and, I am well aware, feel them in all their importance and intricacy. One of these questions, *our great* question of boundary, is in a state which requires ability, firmness, and prudence, in those who are to manage it. Maine feels, at this time, *peculiarly* sensitive and restless under the arrogant pretensions and hostile movements of our opponents. There will be a strong and earnest appeal for aid and protection, for *direct* and *immediate* action on the part of the General Government. The spirit of our people is getting up, and it will increase in strength, and extend, and will not be satisfied unless a course of policy is adopted at Washington at once *firm* and *active*. The long delays in negotiations, the wearisome diplomatic discussions, beginning about nothing, and ending where they began, have led us in Maine to lessen very much, if not to give up entirely, our faith in this mode of adjustment. If it is the design, as I trust and believe it is, of the new Administration, to enter upon this subject with a directness of purpose and distinctness of language hitherto unknown, and adopt a new mode of treating the question; and if it shall be the wish of the Administration to *avoid direct collision pending negotiations*.

and, at the same time, satisfy Maine that the question is in progress under favorable auspices for us, I am confident no course could be taken which would do so much to effect these objects as the *appointment of a minister to England from this State*, who shall be qualified, by his knowledge, experience, general character, and firmness, to place the question in such a position as may be desired by his Government and by the State of Maine. I feel *strongly* that it will be very difficult, if not impossible, to keep our people from direct collision, if some assurance is not given by the new Administration *by its acts* that this question is regarded as of the first importance. If we are to have a Southern man again in that station, after so many years of continued occupancy from that section, the feeling here will be, I fear, that the old course is to be resumed, and a long and lingering course of diplomatic evasions, change of front, etc., etc., 'point-no-point' discussions, will once more overcloud the prospect of settlement. But if, on the other hand, Maine sees that one of her own citizens is sent as minister, and that a new prospect is opening, I have no doubt that a general expression of satisfaction and gratification will at once be heard, and the Administration will gain strength and friends, and its course on the question be approved and *acquiesced in*. I am confident that no other course could be taken which would be so popular in Maine, and tend so directly to satisfy and quiet the public mind.

"I trust you will pardon my freedom and frankness, when I say that it seems to me clear that a Northern man should be selected for this mission, and that Maine, before any other State, if she can present a candidate qualified, should be gratified. Has she such a man? I think she has, and that *George Evans* is the man. Of his qualifications I need not speak. He is as well known at Washington as at home. I therefore will say nothing more on that point. But I do feel that, for the reasons suggested and only hinted at, his selection would be the most popular and useful in every respect which can be made. Maine would much regret the loss of Mr. Evans from the Senate, but would yield him readily if he is to stand at the post where our interests will require a vigilant, talented, and useful man. I have no right, however, to say that Maine would be willing to risk the election of a successor by delay beyond the time of adjournment of the Legislature. But this will not occur much, if any, before the 1st of April. With my best wishes for the success of the new Administration, I remain,

"Very respectfully, your most obedient servant,

"Edward Kent."

[To governor kent.]

"Washington, *February* 23, 1841.

"Dear Sir: Mr. Randall has handed me your letter. The subject of the Northeastern Boundary will undoubtedly attract the President's attention, among his first duties.

"You must be aware of three things: 1. That the two Governments have agreed to settle this question by means of a joint commission, with an ultimate umpirage.

"2. That they have agreed that the negotiation of a convention for the completion of this arrangement shall be conducted in Washington.

"3. That the basis of such convention is already agreed upon, and that only some matters of detail remain unsettled.

"In this state of the case, it will be the duty of the new Administration, doubtless, to hasten the steps of the parties in concluding the convention, as far as may be, consistently with propriety; but I do not see what else is to be done, unless we say at once we will break off the negotiations and resort to force—a step, I am sure, for which the country is not prepared.

"It is to be recollected that Maine, constantly declining compromise, has insisted unwaveringly on the ascertainment of the absolute right of the case. To comply in this respect with what she has so strongly persisted in, the arrangement now in progress was entered into, as being obviously the only mode of ascertaining that right, and as being also in strict compliance with the stipulations in the Treaty of Ghent. Under these circumstances it seems reasonable that nothing but unpardonable delay on the other side should induce the Government of the United States to take any measures except such as may be calculated to accelerate the completion of the convention.

"I should be very sorry, and I am sure the President and the whole Administration would be sorry, to see any new excitement getting up on this delicate subject. You are aware that nothing can be more dangerous than popular excitement without a definite as well as a just object. As things now stand, excitement can have no effect but to create counter-excitement, and probably delay still further the object of all parties, that is, a pacific and immediate adjustment of the controversy.

"I beg you to understand that this letter is written as a private letter, without conversation with any person whatever.

"The suggestion in your letter which relates to a distinguished public man and friend of ours shall be respectfully communicated to the President in due time.

"I have the honor to be,

"With great regard,

"Your obedient servant,

"DAN'L WEBSTER.

"His Excellency Governor Kent."

Mr. Webster entered upon the duties of the Department of State on the 4th of March, 1841, at a moment when the feeling in England, caused by the arrest of McLeod, was not unlikely

to produce an immediate declaration of war.[1] It is not at all improbable that the fact, known in Europe in the early part of the winter, that Mr. Webster was soon to be at the head of our foreign relations, caused the British Government to be less precipitate than they might otherwise have been. But, as it was, preparations were made to meet the event of McLeod's conviction. The following private letters from General Cass, then our minister at Paris, described a state of things on the other side of the Atlantic, of which Mr. Webster was also well informed from other sources.

[FROM GENERAL CASS.]

(*Private and confidential.*)

"Paris, *March* 5, 1841.

"Dear Sir: The last arrivals from the United States lead to the belief that you will be the Secretary of State under the new Administration; under this presumption I write to you, and, even if it is not so, my letter can do no harm. It will still be in good hands.

"I suppose you are aware of the instructions given by the British ministry to their minister at Washington. The subject is no secret here, and was freely spoken of to me by *one who knew*. If McLeod is executed, the minister is to leave the United States. It is the *casus belli*. But any sentence short of this is not to lead to this result.

"The immediate occasion of my writing to you, at this moment, is as follows: A person with good means of information called upon me this morning, and told me that orders had been given to a large portion of the British fleet in the Mediterranean, to rendezvous gradually at Gibraltar, with the view of sending them from there to Halifax. That unusual energy was displayed in the navy yards, and that fourteen steam-frigates would be ready to be upon the coasts of the United States, if necessary, in the month of June, and that the first stroke would be at New York. That all this is finally determined, I do not believe, but that the general outline is correct I doubt not. My informant had good means of information.

[1] Extract from a private letter to Mr. Webster, written by Mr. E. Vernon Harcourt, under date of March 12, 1841: "As to McLeod's case, I assure you there is in this country but *one* feeling on the subject among all parties and all ranks, that, if he should be condemned, it would be such an outrage on *international* justice, that we must throw away the scabbard at once. Other nations can only deal with you as the *country*, and no State rights (as among yourselves) can interfere with this principle. I hope, however, Mr. McLeod will prove not to have been at the destruction of the Caroline.

"Your friend who was so kind to me and my brother, at Niagara (General Porter), told us he thought that act not strictly justifiable, but that if he had been one of the British he would have done it himself. He also said he was satisfied that no living being was on board when she was set on fire."

"Of one thing I am sure, there is a bad feeling against us in England, and this feeling is daily and manifestly augmenting. It is not to be misunderstood among the many English who are at Paris, and, the sooner you are prepared for the consequences at home, the wiser you will be. The next war upon the ocean is to see greater changes than have occurred in naval operations since the invention of gunpowder. The events upon the Syrian coast have opened all eyes here to the surpassing effects of steam. What is to prevent a fleet of steam-frigates from being, as it were, its own messenger, and entering at once into the harbor of New York? I shall not speculate upon the consequences, because you can estimate them better than I can. But I cannot but recommend that every exertion be used to create without delay a steam marine. You want heavy floating batteries in your harbors. Practical men are losing their confidence in permanent fortifications before this new enemy. These heavy pieces, carrying balls weighing from sixty to one hundred pounds, throw their missiles with a force and precision which stone and mortar cannot withstand, and they move so rapidly that they are soon beyond the reach of stationary fortifications. I will not bore you any more at this moment, but trust that my motives will furnish my excuse for troubling you.

"I am, dear sir, with great regard, truly yours,

"LEW. CASS.

"Hon. D. Webster."

[FROM GENERAL CASS.]

(*Private and confidential.*)

"PARIS, *March* 15, 1841.

"DEAR SIR: I wrote you by the last steam-packet, communicating to you some information I had received respecting the designs of the British Government. Since then the state of our affairs with England has attracted the attention of Europe, and considerable anxiety prevails upon the subject. I saw the King four times last week, and each time he was very desirous of knowing what would be the result, and last evening I had a long conversation with him, when he entered fully into the whole affair. He deprecates war, and has shown the greatest wisdom and firmness in the support of peace. But he fears that France could not long be kept out of the contest, were the United States and England once engaged. First, because there is everywhere here a deep-rooted aversion to England; and, secondly, because a naval warfare would soon quiet some of those pretensions which England arrogates to herself upon the ocean. I doubt not that Mr. Stevenson keeps you well informed of every thing over the Channel. But the English public feeling is as easily ascertained here as in London, for there are many thousands of English who have established their residence here. It is a remarkable fact, that I have met but one who was not perfectly satisfied of the propriety of the attack upon the Caro-

line, and as to the boundary, they take it upon trust, and seem to suppos the contested territory as clearly theirs as Middlesex. We must not shut our eyes to the fact that a war with us would meet with almost universal support in England. One of the bitterest articles against us has just appeared in the *Sun*, a radical journal heretofore very friendly. The fact is, the English are the most *credulous* people upon the face of the earth in all that concerns their own wishes or pretensions. They are always right and everybody else wrong. But, if we have war, they will fight bitterly. They will unite and put forth all their strength, and, although this consideration ought not to induce us to give way to arrogance or unjust pretensions, it ought to stimulate us to make immediate, I may almost say immense, preparations. Bend all your efforts *to steam*. Equip all the steam-vessels you can. Establish the most powerful steam-batteries in the exposed ports, and especially in New York. If you depend on stone walls and fixed fortifications to keep steam-vessels out of your harbors, you will, in the hour of trial, be disappointed. This is now the universal sentiment here.

"I am, dear sir, with much regard, truly yours,

"Lew. Cass.

"Hon. D. Webster."

The attitude on our side, at the close of Mr. Van Buren's presidency, was not less warlike. On the 13th of February a report had been made in the House of Representatives by their Committee on Foreign Affairs, upon the correspondence between Mr. Fox and Mr. Forsyth, as it then stood. This report was in a very hostile tone, and it was only by procuring a reference of the question of the expediency of arming the country to the Committee on Military Affairs, that the session of Congress terminated without a declaration of war. On the 10th of March, immediately after the new Administration had come in, Mr. Fox addressed to Mr. Webster a formal demand for the release of McLeod, upon the ground that "the destruction of the Caroline was a transaction of a public character, planned and executed by persons duly authorized by the colonial government to take such measures as might be necessary for protecting the property and lives of her majesty's subjects, and, being therefore an act of public duty, they cannot be held responsible to the laws and tribunals of any foreign country."

Here, then, was devolved at once upon Mr. Webster, on assuming the office of Secretary of State, a duty of the most delicate and difficult nature. Both parties were in the wrong in reference to the respective branches of this complex affair,

and it required the power and the authority of Mr. Webster to state the whole case to the intelligence of the world, in such a manner as to show the true conclusions of the public law upon its several features. The first thing that he did was to instruct the Attorney-General of the United States, on the 15th of March, to proceed to Lockport, or wherever else the trial of McLeod might be holden, for the purpose of communicating with the counsel engaged for the defence, and in order to furnish authentic evidence that the destruction of the Caroline had been avowed by the British Government as an act of public force, done by national authority. In these instructions he said:

"There is, therefore, now an authentic declaration on the part of the British Government, that the attack on the 'Caroline' was an act of public force, done by military men under the orders of their superiors, and is recognized as such by the Queen's Government. The importance of this declaration is not to be doubted, and the President is of opinion that it calls upon him for the performance of a high duty. That an individual forming part of a public force, and acting under the authority of his Government, is not to be answerable as a private trespasser or malefactor, is a principle of public law sanctioned by the usages of all civilized nations, and which the Government of the United States has no inclination to dispute. This has no connection whatever with the question, whether, in this case, the attack on the 'Caroline' was, as the British Government thinks it, a justifiable employment of force for the purpose of defending the British territory from unprovoked attack, or whether it was a most unjustifiable invasion, in time of peace, of the territory of the United States, as this Government has regarded it. The two questions are essentially distinct and different; and, while acknowledging that an individual may claim immunity from the consequences of acts done by him, by showing that he acted under national authority, this Government is not to be understood as changing the opinions which it has heretofore expressed in regard to the real nature of the transaction which resulted in the destruction of the 'Caroline.' That subject it is not necessary, for any purpose connected with this communication, now to discuss. The views of the Government in relation to it are known to that of England, and we are expecting the answer of that Government to the communication which has been made to it.

"All that is intended to be said at present is, that since the attack on the 'Caroline' is avowed as a national act, which may justify reprisals, or even general war, if the Government of the United States, in the judgment which it shall form of the transaction and of its own duty, should see fit so to decide, yet that it raises a question entirely public and political—a question between independent nations—and that individuals concerned in

it cannot be arrested and tried before the ordinary tribunals, as for the violation of municipal law. If the attack on the 'Caroline' was unjustifiable, as this Government has asserted, the law which has been violated is the law of nations; and the redress which is to be sought is the redress authorized, in such cases, by the provisions of that code.

"You are well aware that the President has no power to arrest the proceeding in the civil and criminal courts of the State of New York. If this indictment were pending in one of the courts of the United States, I am directed to say that the President, upon the receipt of Mr. Fox's last communication, would have immediately directed a *nolle prosequi* to be entered.

"Whether, in this case, the Governor of New York have that power, or, if he have, whether he would feel it his duty to exercise it, are points upon which we are not informed.[1]

"It is understood that McLeod is holden also on a civil process, sued out against him by the owner of the 'Caroline.' We suppose it very clear that the Executive of the State cannot interfere with such process; and, indeed, were such process pending in the courts of the United States, the President could not arrest it. In such and many analogous cases, the party prosecuted, or sued, must avail himself of his exemption or defence by judicial proceedings, either in the court into which he is called, or in some other court. But, whether the process be criminal or civil, the fact of having acted under public authority, and in obedience to the orders of lawful superiors, must be regarded as a valid defence; otherwise individuals would be holden responsible for injuries resulting from the acts of Government, and even from the operations of public war.

"You will be furnished with a copy of this instruction, for the use of the Executive of New York and the Attorney-General of that State. You will carry with you, also, authentic evidence of the recognition by the British Government of the destruction of the 'Caroline' as an act of public force, done by national authority.

[1] The following letter from Mr. Seward, the Governor of New York, to Mr. Webster, afterward made known the fact that a *nolle prosequi* was not to be entered:

[FROM MR. SEWARD.]

"Albany, *March* 29, 1841.

"My dear Sir: I have just received your letter of the 17th instant, in which you say that the President has learned, not directly, but by means of a letter from a friend, that I had expressed a disposition to enter a *nolle prosequi* in the case of the indictment against Alexander McLeod, on being informed by the Federal Government that the Government of Great Britain had officially avowed the attack on the 'Caroline' as an act done by its own authority.

"Although suffering much from ill health, I avail myself of the first moment to request you to state to the President that, whoever is correspondent may be, there is an entire misapprehension on his part. I have neither expressed nor entertained the disposition to direct a *nolle prosequi* in the case of the prisoner. On the contrary, the consideration of the subject and the formation of my opinion in relation to it were reserved until the authentic information now communicated by Mr. Crittenden should be received. That gentleman is fully possessed of my views. They have been communicated to him with the frankness which the occasion demands, and which it is peculiarly important should exist, in regard to the matter in question, between the authorities of this State and those at Washington.

"Mr. Crittenden will, I doubt not, do full justice to the desire entertained on my part to act in harmony with and in proper deference to the opinions of the President.

"I am,

"With highest respect,

"Your obedient servant,

"William H. Seward.

"The Honorable Daniel Webster."

"The President is impressed with the propriety of transferring the trial from the scene of the principal excitement to some other and distant county. You will take care that this be suggested to the prisoner's counsel. The President is gratified to learn that the Governor of New York has already directed that the trial take place before the Chief Justice of the State.

"Having consulted with the Governor, you will proceed to Lockport, or wherever else the trial may be holden, and furnish the prisoner's counsel with the evidence, of which you will be in possession, material to his defence. You will see that he have skilful and eminent counsel, if such be not already retained; and, although you are not desired to act as counsel yourself, you will cause it to be signified to him, and to the gentleman who may conduct his defence, that it is the wish of this Government that, in case his defence be overruled by the court in which he shall be tried, proper steps be taken immediately for removing the cause, by writ of error, to the Supreme Court of the United States.

"The President hopes you will use such dispatch as to make your arrival at the place of trial sure before the trial comes on; and he trusts you will keep him informed of whatever occurs, by means of a correspondence through this Department."

This proceeding having taken place under President Harrison, the principle that McLeod was personally irresponsible received, of course, his full sanction, as it was stated in Mr. Webster's instruction to Mr. Crittenden. But, before any thing further occurred, General Harrison died suddenly on the 5th of April.[1] What might be the disposition of his successor on this and on other subjects was wholly uncertain. Mr. Tyler had been

[1] As General Harrison's was the first death of a President in office, it devolved upon Mr. Webster to settle the forms to be observed on such occasions. The event was announced to the country officially, by a document signed by the members of the Cabinet. A special messenger (Mr. Fletcher Webster, Chief Clerk of the Department of State) was sent to make it known to the Vice-President, and to request his presence in Washington. This communication was also signed by the heads of the several Departments. On the arrival of Mr. Tyler at Washington, the form of the Vice-President's oath as President was also settled; and it was determined to be the intent of the Constitution that the Vice-President should become President of the United States, in name and designation, as well as in power and authority.

Mr. Webster's kindness and attention to the afflicted family of General Harrison were thus acknowledged by his private secretary:

[FROM COLONEL CHAMBERS.]

"Saturday Morning, *April* 10, 1841.

"MY DEAR SIR: The family of our deceased friend request me to express to you their deep sense of obligation for your unremitted kindness toward them, and their gratitude for your strong expressions of estimation and respect for the memory of their deceased Head. His personal friends need only say they will ever feel honored by being permitted to bear the same relations toward you.

"Mrs. Harrison's little sons are both indisposed this morning, and the family will be reluctantly detained in the city till Monday, and will be glad to see you this morning, or at any time more convenient to you in the course of the day.

"Most truly yours,

"JOHN CHAMBERS.

"Hon. D. Webster."

chosen Vice-President, with very little knowledge respecting his personal qualities on the part of those who elected him, or of those who placed him in nomination for the office. He had been a Senator from the State of Virginia, but he was little known to the nation, or to the public men who led the great party which had now assumed the conduct of affairs, and had just entered upon the duties of administration. But, on his arrival at the seat of government, the new President requested the members of General Harrison's Cabinet to remain in office, and he at once manifested toward Mr. Webster his entire confidence, which was never withdrawn while their official relations continued.

As soon as the change in the executive head of the Government would permit, Mr. Webster, on the 24th of April, addressed to Mr. Fox his answer to the demand for the release of McLeod. It was his purpose, by this dispatch, to arrest the drifting tendency of the two nations toward a war. He therefore stated, with equal fairness and force, in what respect each was in the wrong. In dealing with the case of McLeod, while he admitted the principle that an individual cannot be held personally responsible, as for a private offence, on account of any thing avowed by his government to be its own act, he said that this defence, entirely available as an answer to the indictment, must be offered at the trial; for, according to established principles alike recognized in England and in the United States, persons confined under judicial process can be released from that condition only by judicial process. At the same time, he informs Mr. Fox of the steps which the Executive Government of the United States had deemed it to be its duty to take, by affording to the prisoner the authentic evidence that his own Government assumed the responsibility of what had been done in the attack on the Caroline; and that, in the opinion of the Government of the United States, this avowal, by the well-settled principles of public law, protected him from personal liability. The immediate responsibility for the result was thus placed—where it belonged—upon the authorities of the State of New York. Mr. Webster then took up the attack upon the Caroline, and laid it down as a clear deduction from the law of nations, that there had been a violation of our ter-

ritory, which remained either to be excused or to be redressed. He concluded his letter with an impressive admonition to all in authority on both sides of the Atlantic.

"The President instructs the undersigned to say, in conclusion, that he confidently trusts that this and all other questions of difference between the two Governments will be treated by both in the full exercise of such a spirit of candor, justice, and mutual respect, as shall give assurance of the long continuance of peace between the two countries."[1]

The attitude, however, in which the case of McLeod was necessarily left, gave Mr. Webster great anxiety. The nation was responsible, through the Government of the United States, for the manner in which the prisoner might be dealt with by the authorities of New York; and there was then no statute under which the case could be transferred to the Federal courts. The trial of McLeod was expected to take place in May; but, in the course of that month, he was taken down to the city of New York in the custody of the sheriff of Niagara County, and was there brought before the Supreme Court of the State on a writ of *habeas corpus*, pending which the court made an order, placing him in the custody of the sheriff of the county of New York. His counsel claimed his discharge on the grounds set forth in Mr. Webster's instructions to the Attorney-General of the United States; but, after a full argument on both sides of the question, the court, in July, refused to discharge him, and the trial was then appointed to take place at Utica, in the month of October.[2]

In the mean time, occurrences, both at home and abroad, rendered this summer a period of great embarrassment for the Secretary of State. President Harrison had found, on his accession to office, that it would be nearly impossible to carry on the business of the country without summoning Congress in an extra session. He had issued his proclamation, appointing the 31st of May for the meeting of Congress. The Whig

[1] Works, vi., 247–269.

[2] The decision of the court was rendered in July. Mr. Webster afterward said of it, in the Senate, in 1846: "On the peril and at the risk of my professional reputation, I now say that the opinion of the court of New York, in that case, is not a respectable opinion, either on account of the result at which it arrives, or the reasoning on which it proceeds." The opinion was equally disapproved of by Chancellor Kent and Chief-Justice Spencer, as well as by many other eminent jurists.

members, flushed with their success in the presidential election, yet dispirited by the death of the late President, came together in doubt whether his successor would concur in some of the measures which were held to constitute the policy affirmed by the recent political victory.[1] Among these measures, it was almost universally considered by the Whigs that a national bank was first and foremost. Mr. Tyler, however, had always held with those who denied the power of Congress to create a national bank; and he had, as a Senator, recorded his vote against such legislation. His opinions on this subject, though never concealed, were disregarded by the Whigs who placed him in nomination for the office of Vice-President. Here, then, was the point which was to separate Mr. Tyler from the great party whose candidate he had been, and whose votes had placed him in the position from which he was necessarily elevated to the chief executive office on the occurrence of a vacancy.

Mr. Webster, at an early period of his intercourse with President Tyler, discovered that the question of a bank was certain to give the latter great uneasiness; and, by a mutual understanding, the subject was scarcely alluded to between them. Still Mr. Webster entertained the hope that the President would finally be brought to act in harmony with the majority of Congress on this subject, and that his personal scruples would be waived, as Mr. Madison's had been before him. But, having taken the office of Secretary of State for the purpose of settling certain long-pending difficulties in our foreign relations, Mr. Webster came very soon, I think, to a resolution that he would not allow these weighty affairs to miscarry or imperil his influence with Mr. Tyler in regard to the foreign concerns of the nation, by attempting to force him, on a subject of domestic policy, to sacrifice or change his opinions respecting a constitutional question. He had not only placed the case of McLeod in the position which has been described, and arranged the steps which would have to be taken in case of his conviction, but he had also, before the meeting of Congress, through a private channel, caused it to be intimated to the British Government that a shorter way than

[1] The Whig majority in the Senate was about six, and in the House about thirty.

exploration and arbitration might be found for the settlement of the Boundary Question, if that Government should choose to embrace it. The idea of settling this dispute by a conventional line, and by an exchange of territory, was suggested by him privately to members of the English ministry before he had been in office three months.[1] He could not indeed know, at this time, how such a plan would be received; but he meant to pursue it steadily, and he did not mean to sacrifice the prospects of peace with England to the party objects of our domestic conflicts. He meant that this Boundary Question should be set at rest.

Many anxious days, however, were before him. A collision between the President and the Whigs was soon to bring on a crisis that was to involve Mr. Webster himself in a great embarrassment.

On the 28th of July a bill for a bank, which had passed both Houses of Congress, was sent to the President. Writing the next day to Mr. Everett, in Europe, Mr. Webster said: "Whether the President will approve it is a question I hardly dare ask myself. If he should not, I know not what will become of our Administration." The President did not approve it, but returned it with his objections, announcing himself as conscientiously opposed on constitutional grounds to the creation of such a bank as that provided for in the bill, namely, one with power to establish offices of discount and deposit in the several States, with or without their consent. This occurred on the 16th of August.

Mr. Webster desired as much as any one the establishment of some fiscal agency capable of transacting the business of the Government and of affording aid in the exchanges of the country. But it was his firm conviction that a collision between the leading Whigs and the President would hazard the creation of a bank of any kind.[2] The following letters, ad-

[1] See his confidential letter of May 11, 1841, to Mr. F. C. Gray, an American gentleman then in London, one of his intimate friends.—(*Correspondence*, ii., 102.)

[2] [TO MR. KETCHUM, marked *private*.]

"I see that our friend King will continue to advise us to go ashore, all standing, and be drowned together. I must say his course quite surprises me. Might he not take it for granted that *we* have learned exactly *what* can be done, and *all* that can be done; and have acted accordingly? If he wishes to assist . . . in breaking up the Administration, and *in getting no bank*, he acted wisely to that end.

"However, it is not my wish that you should say a word to him; that would do no good. My only purpose is to express the *pain*—the *deep* pain—with which I notice his remarks.

"After all, my opinion is, that we shall

dressed by him to a friend in New York, fully explain the history of the bank difficulty, and the situation of affairs down to the time of Mr. Tyler's first "veto." They were written in order that there might be a record of his opinions on this whole subject.

[TO MR. KETCHUM.]

"WASHINGTON, *July* 16, 1841.

"MY DEAR SIR: I am quite willing to answer your questions, and give you my opinions fully on the bank subject. Without replying to your inquiries in their order, the object of the whole of them may be met by some general remarks.

"No man can entertain a doubt that the late Administration was overthrown, chiefly, by a feeling of opposition to its policy in regard to finance and currency. Other causes coöperated; but this must be admitted to have been by far the most general and the most powerful. It is quite clear, therefore, that a thorough change of this policy is demanded by the people of the present Government, and that, if this end be not attained, the greatest purpose of the revolution will be defeated. All this is obvious enough.

"It is true also that, among those who sought by a change of counsels to effect a salutary change in respect to finance and currency, a great majority entertained the opinion that the agency of a bank was indispensable. But this sentiment was not unanimous. Many of the Southern opposers of the policy of General Jackson and Mr. Van Buren were not bank men. Your memory will immediately supply you with a long list of persons of this class in that quarter of the country; and though sentiment was more united in the North, yet even there exceptions existed. The distinguished Whig Senator from your own State had, even after coming to the Senate, maintained the unconstitutionality of all bank charters under this Government. The failure of the deposit system in 1837 probably increased the number of the friends of a bank; but still there remained many individuals who, if convinced of the expediency, did not, nevertheless, admit the constitutional power to establish such an institution.

"Under these circumstances, the Whig Convention met at Harrisburg, in December, 1839, and nominated General Harrison and Mr. Tyler as candidates for President and Vice-President. The opinions of these gentle-

have a bank essentially on Mr. Ewing's plan, and I fully believe it will be a better bank than we ever have had. I do not mean that the coercive branches would not be useful; but I do mean, that, taking the bank as a whole, it will work better than its predecessors. Such is my opinion. I may be wrong, but in one point I can hardly be mistaken—*we shall have some such bank or none at all.*

There are, doubtless, many persons in New York connected with State institutions, who, whatever they say, would not be *very* sorry if there were to be no national bank. These persons' designs are not concealed so deep as they think.

"As ever,

"Yours,

"D. W."

men were generally known on all political subjects, and those of the latter gentleman, especially, on the bank, were as well known as the sentiments of any public man on any subject whatever. From 1819 to the day of the nomination, those sentiments had been expressed and repeated in all forms, both in and out of Congress. The convention nominated both these gentlemen without asking or receiving pledges, and solely on the ground of their known characters and opinions; and on this ground the canvass was commenced and carried on. In the course of it, opinions were frequently called for, and expressed, especially by General Harrison. Now, without going into particulars, a fair account of General Harrison's opinions is, that with strong leanings *against* a Bank of the United States, yet, if it should be found necessary, in order to carry on the Government successfully, he would sanction it. And for the same reason he would consent to give to the bank such powers, and no others, *as should be found to be indispensably necessary*. This is the general doctrine of his speech at Dayton, and is in consonance with opinions expressed by him on other occasions. He will thus be seen to have placed the constitutional power of Congress to establish a bank upon that clause of the Constitution which authorizes it to pass all laws necessary and proper for carrying the powers of Government into effect. This was General Harrison's ground, and on this ground we fought the battle for him. We elected him, we saw him inaugurated, we saw him surround himself with a Cabinet, and enter upon his high duties, but death terminated his career, at the end of the first month of his administration.

"The executive power devolved on the Vice-President. He repaired to Washington, found an extra session of Congress already summoned, and requested the continued services of those heads of departments who had been appointed by General Harrison.

"Now, *what was it the duty of these gentlemen to do?*—I do not propose to answer this question, for several reasons. But I leave it for your own reflections, and I repeat it, *what were they to do?* On the bank question, that is, on the extent of the constitutional power of Congress, they differed from the President, and it may readily be supposed that, where there was mutual respect and confidence, all practicable means of approximation and agreement were honestly and candidly exerted. Nor can it be at all doubted that the President, from deference to the sentiments of the people, who had elected General Harrison, would, as far as possible, forbear from disturbing any thing settled by him, and also that he would to the extent of his power, and within the limits of his conscience, do every thing to fulfil those public hopes which his election had inspired. But he, too, had been elected to the second office, by the people, with well-known opinions on this great constitutional matter, any modification of which must be left to his own reflections and his own conscience. The power of approving or disapproving acts of Congress is a power belonging to the President alone. He may advise with his Cabinet, but the entire responsibility of the final decision rests with him.

"But the position of the President, in regard to the bank question, was not the only difficulty. Important Whig members, in both branches of the Legislature, stood in the same relation to this question as the President. I need not name particular gentlemen; but there was good reason to believe, from the first, that a bank charter, without some essential alterations from the old forms, would not even get through Congress.

"Under these circumstances the Secretary of the Treasury was called on for his plan for a bank, and two sets of opinions exist as to the manner in which he ought to have executed his duty.

"First, there are those who think that, regardless of any other opinions, or of the probability or improbability of its final passage into a law, the Secretary ought to have reported a bill of the strongest character, giving the bank all the powers of former charters; that he ought to have done this merely by virtue of his own office, and in the exercise of his own proper powers.

"But there were others who were of a different opinion. They wished to avoid the incongruity and unseemliness of that which happened in General Jackson's time, when the Secretary of the Treasury recommended a bank, and the President vetoed the bill! They regarded it as all-important that the Whigs should agree beforehand upon some measure which they could carry by their own strength, and not by their own dissensions throw themselves and the country into the power of the opposition. They knew to what extent the declared sentiments of the President had gone; they knew the opinions of certain Whig members of Congress, especially in the Senate, whose votes could not be spared; they felt that both the good of the country and the preservation of the Whig party required *that something should be done;* and they had the fullest conviction, which every succeeding day has strengthened, that if the Whigs, in and out of Congress, would support the plan as it came from the Treasury, with some alterations which all agreed to, the great object in view would be fully accomplished. And they thought, finally, that, in the present most important and critical state of affairs, the true POSTURE OF OPINION, as well as the true state of things, ought to be made known to the people, that they might not, on the one hand, be carried away by imaginary fears, nor, on the other, deluded by false hopes.

"The main difference, between the plan of the Secretary and that plan which has been struggling for three weeks in the Senate, consists in this: the Secretary's plan gives the bank power to establish offices of discount in the States, *with the consent of the States;* the Senate bill authorizes it to exercise that power, *without the consent of the States.* This is the difference.

"You know very well my own opinion of the constitutional power of Congress in this particular; and, believing the power a useful one, if all others thought like me, the bill would contain it. But is this power absolutely essential? Is its insertion matter of necessity? Is any great and important constitutional principle surrendered by its omission? Is the

existence of the power so clear that no respect is due to him that doubts? Will the bill be good for nothing without this power? And, if we cannot get a bill containing it, is it better that we should have no bank? What *is* this power of discount? How far is it, *of itself*, a *national* matter? How far is it connected with the power and duty of collecting and disbursing revenue, or with the duty of regulating commerce between the several States and with foreign nations? These are questions which press upon us, and ought to be conscientiously considered. I commend them, my dear sir, to your earnest attention, and may trouble you with my own thoughts upon some of them, in another letter.

"I am, with regard, yours,

"D. WEBSTER."

[TO MR. KETCHUM.]

"WASHINGTON, *July* 17, 1841.

"MY DEAR SIR: The power of Congress to establish a bank rests on two propositions:

"1. That a bank is a necessary and proper agent, in the collection and disbursement of revenue.

"2. That it is a proper and useful means of regulating commerce between the several States, and with foreign nations, by furnishing currency and exchange.

"There is no other lawful object for a bank, because the constitutional power extends to no other object. Revenue and commercial regulation comprise the whole power. A constitutional bank, then, must be limited to these purposes.

"For revenue a bank is necessary: 1. For the safe-keeping of the public money; 2. For its cheap transmission from place to place; 3. For furnishing a convenient circulating paper medium, equivalent to specie, and which shall be of equal and uniform value, in every part of the country, and which may safely be made receivable in debts and dues to Government.

"These are the uses of a bank, as connected with the operations of the Government itself, and, I conceive, no others. *And only one of these is provided for in Mr. Ewing's bill.*[1]

"To the general commerce of the country a bank is useful, and in my opinion indispensable, in three respects:

"1. By dealing, on a considerable capital, in domestic exchanges, it keeps these exchanges steady and at low rates. Our experience has sufficiently shown the incalculable value of a well-conducted national institution in this respect.

"2. By issuing paper, or notes, for general currency and circulation, having a national stamp, and therefore everywhere of equal value, most essentially benefits the currency of the country.

[1] This refers to the bill prepared by Mr. Ewing as Secretary of the Treasury.

"3. By repressing, through the gentle and quiet means of its own circulation in our business, the issue of local institutions, it tends to secure the whole mass of circulating paper against excess.

"Now, Mr. Ewing's bill gives the power of dealing in exchanges, without limit, and it gives also the power of issuing paper for circulation. In what, then, is it wanting? It wants the power of *local discount*, or the loaning on local notes, without the consent of the States, and the omission of this power *is said* to be a *surrender of a great principle.* Let us examine this. The bank can buy and sell exchange, and it can issue its own notes for currency. It may deal in exchanges to the amount of many millions a year, as the late bank most usefully did; it may receive deposits at its agencies as well as at the bank itself, and it may issue its own notes, for deposits, for specie received, and for any of its own debts. *But it cannot make a local loan.* It cannot establish a branch in Wall Street, and there *loan money* on a note given by one Wall Street merchant to another Wall Street merchant; and, because this power is denied, it is said a great constitutional question is ignominiously surrendered!

"That this may be a useful power (most useful to the people and to the State) I fully believe, but is no respect due to that intellect which cannot perceive how this power of local lending is a national power, or how it is connected with the duties of Congress? Suppose Congress were to establish a bank with no other power but this, viz., a power to establish an office in the States, and to loan money on notes, given by one citizen of the State to another, would anybody say that the creation of such a bank was within the authority of Congress? Certainly not. If the same power, then, be inserted among other powers, which are constitutional, does this power itself thereby cease to be unconstitutional? I do not mean to say that these questions cannot be answered by those who seem in such hot haste to ride rough-shod over the supposed opinions of the President; but I say that they require clear reasoning, the cue of distinct ideas and fair exposition; and that they are not to be disposed of by a contemptuous sneer. And so, I think, the people will decide.

"It is now admitted that the power of creating local corporations, both for the purpose of loaning money and circulating bills, does belong to the States. The States, in fact, exercise this power, and many of them derive a great part of their revenue from it. In the Eastern States, for example, bank capital is taxed. This capital is employed mostly *in these very local loans.* To put five millions of *untaxed* capital into Boston, there to be used in these local loans, diminishes by so much the capital on which the State of Massachusetts levies her tax, and to that extent directly affects her public revenue; this does not prove that the power does not exist, I admit; but it shows that there are considerations connected with the subject, which wise and moderate men ought to respect. I will not conceal my opinion that the power may be defended on the ground of its being necessary to the efficient execution of the other

powers; but I could never put it on any other ground than that, and have always been aware that strict interpreters of the Constitution insist that this mode of reasoning is dangerous, as it attaches one incidental power, raised by argument, to another incidental power, previously raised by argument, and may thus run on indefinitely, till it draws along all sorts of powers in its train. My own opinion is, however, that whatever is *necessary*, must be taken to be granted. And this brings us back at once to General Harrison's ground, and calls upon us to decide whether this *is* necessary. Now, there are those who think it is not, and therefore think that its exercise cannot be justified. Or, if it be, that objections from the States, or many of them, are not to be expected; and, therefore, that the difficulty may in that way be avoided. On this last point, the probability of the States objecting or not objecting, I know nothing which can enlighten your own opinion, but for myself, notwithstanding I foresee some embarrassments, I fully believe that, if the Whig party chose to take up the matter energetically, they can carry it through, and put the bank into successful operation in a few months. But while they continue to differ and to discuss their differences, while some adhere to what they call (erroneously, I think) principle, and others exert themselves, but are obliged to exert themselves without the aid of their brethren, for what they think *practicable* and *attainable*, while one says he is of Paul, and another that he is of Apollos, not only does time run by, leaving nothing done, but a wily and reckless adversary is heading in upon our ranks and is very likely to be able to thwart every thing. Union, decision, and energy, are all indispensable. But UNION is first. If we will but UNITE, we can form decisive purposes and summon up our energies. But how can we rally one set of friends against another set of friends? Of what use are decision and energy in our own family differences? My dear sir, there is but one path out of this labyrinth. There is but one remedy for the urgent necessities of the country, but one *hope* of the salvation of the Whig party—it is *union*, immediate UNION. Let us try such a bank as we can agree upon and can establish. If it fails for want of any particular power, then the necessity for such power will have been ascertained and proved, and Congress will meet again in the winter, with power to revise their own work. The season is advancing and the weather is hot—but nothing, nothing should induce Congress to rise, leaving this great work wholly undone.

"Yours with constant regard,

"D. WEBSTER."

The "veto" message was taken up in the Senate on the 19th of August, when Mr. Clay strongly arraigned the course of the President, reflecting on him with great severity. In the House of Representatives a storm burst forth. But the Whig majority in the two Houses was not sufficient to pass the bill over the President's objections, and a new bill was brought in

which proposed to create a "Fiscal Corporation of the United States," with power to issue its own notes, and to deal in exchange, but without the power of local discount. What Mr. Webster thought of the haste to force upon the President a further consideration, at this time, of a subject which gave him great annoyance, is sufficiently apparent from the following letters:

[TO MR. KETCHUM.]

"*August* 22, 1841, Sunday Evening.

"My dear Sir: I believe the Land Bill will pass the Senate to-morrow, and the Bank Bill the House to-morrow or on Tuesday. Beyond that I can foresee little. The President is agitated. Mr. Clay's speech and Mr. Botts's most extraordinary letter have much affected him. At the same time, there is no doubt that violent assaults are made upon him from certain quarters to break with the Whigs, change his Cabinet, etc.

"Another week will enable us 'to see what we shall behold.' I try to keep cool, and to keep up courage, as the agony will soon be over. We are on the point of deciding whether the Whig party and the President shall remain together; and, at this critical juncture, some of our friends think it very opportune to treat him with satire and disdain. I am tired to death of the folly of friends. Newspapers, supposed to be friendly to me, are, for that reason, sent to the President every day, containing articles derogatory to him!

"I must do Colonel J—— the justice to say that he shows sense and prudence.

"Yours,

"D. W."

[TO MRS. C. L. R. WEBSTER.]

"Saturday Evening, Eight o'clock, 1841.

"My dear Wife: We have passed three or four more very anxious and excited days. Congress is in a state of great fermentation, and the President appears to be a good deal worried. I know not what it is all to come to. Another Bank Bill is brought into Congress, and is likely to pass both Houses. If that also should receive the veto, I cannot speculate on the consequences. I am with the President a good deal. He seems quite kind, but is evidently much agitated. I am nearly worn down with labor and care, and shall be most happy when things shall be settled one way or the other. There is now a breach between the President and Mr. Clay, which it is not probable can ever be healed. You will see a strange letter also from Mr. Botts, which makes a good deal of talk.

"For my part, I keep cool, discharge my daily duties as well as I can, and say nothing, or, at most, but little. . . .

"Yours ever,

"D. W."

[TO MESSRS. BATES AND CHOATE, SENATORS FROM MASSACHUSETTS.]

"WASHINGTON, *August* 25, 1841.

"GENTLEMEN: As you spoke last evening of the general policy of the Whigs, under the present posture of affairs, relative to the Bank Bill, I am willing to place you in full possession of my opinion on that subject.

"It is not necessary to go farther back into the history of the past than the introduction of the present measure into the House of Representatives.

"That introduction took place within two or three days after the President's disapproval of the former bill; and I have not the slightest doubt that it was honestly and fairly intended as a measure likely to meet the President's approbation. I do not believe that one in fifty of the Whigs had any sinister design whatever, if there was an individual who had such design.

"But I know that the President had been greatly troubled in regard to the former bill, being desirous, on the one hand, to meet the wishes of his friends if he could; and, on the other, to do justice to his own opinions.

"Having returned this first bill with his objections, a new one was presented in the House, and appeared to be making rapid progress.

"I know the President regretted this, and wished the whole subject might have been postponed.

"At the same time, I believe he was disposed to consider, calmly and conscientiously, whatever other measure might be presented to him.

"But, in the mean time, Mr. Botts's very extraordinary letter made its appearance. Mr. Botts is a Whig of eminence and influence in our ranks. I need not recall to your minds the contents of the letter. It is enough to say that it purported that the Whigs designed to circumvent their own President; to 'head him,' as the expression was, and to place him in a condition of embarrassment.

"From that moment I felt that it was the duty of the Whigs to forbear from pressing the Bank Bill further at the present time.

"I thought it was but just in them to give decisive proof that they entertained no such purpose as seemed to be imputed to them. And, since there was reason to believe that the President would be glad of time for information and reflection before being called upon to form an opinion on another plan for a bank—a plan somewhat new to the country—I thought his known wishes ought to be complied with.

"I think so still. I think this is a course just to the President, and wise on behalf of the Whig party.

"A decisive rebuke ought, in my judgment, to be given to the intima-

tion, from whatever quarter, of a disposition among the Whigs to embarrass the President.

"This is the main ground of my opinion; and such a rebuke, I think, would be found in the general resolution of the party to postpone further proceedings on the subject to the next session, now only a little more than three months off.

"The session has been fruitful of important acts. The wants of the Treasury have been supplied; provisions have been made for fortifications and for the navy; the repeal of the Sub-Treasury has passed; the Bankrupt Bill, that great measure of justice and benevolence, has been carried through; and the Land Bill seems about to receive the sanction of Congress.

"In all these measures, forming a mass of legislation more important, I will venture to say, than all the proceedings of Congress for many years past, the President has cordially concurred.

"I agree that the currency question is, nevertheless, the great question before the country; but, considering what has already been accomplished in regard to other things—considering the difference of opinion which exists upon this remaining one—and considering, especially, that it is the duty of the Whigs effectually to repel and put down any supposition that they are endeavoring to put the President in a condition in which he must act under restraint or embarrassment, I am fully and entirely persuaded that the bank subject should be postponed to the next session.

"I am, gentlemen, your friend and obedient servant,

"Daniel Webster."

But these moderate and just counsels did not prevail. The Whig party in Congress was, in fact, under the control of those who feared a union between the President and their political opponents, and who thought that this bill must be placed before him to compel him to commit himself to the incorporation of a bank. While it was pending, Mr. Clay, taunted by some remarks of Mr. Buchanan, poured forth his utmost scorn upon the President, with a power of ridicule and sarcasm in which no man could surpass him. He attempted, by denunciation, to prevent a second "veto." The effect was directly the reverse. The "Fiscal Corporation" was "vetoed" like its predecessor. This occurred on the 9th of September. The breach between the President and the Whigs was consummated.

Four of the members of the Harrison Cabinet immediately resigned their places;[1] and a fifth soon afterward followed

[1] Messrs. Ewing, Bell, Badger, and Crittenden.

their example.[1] This was done without previous conference with Mr. Webster. When apprised of it, he told his late colleagues that he thought they had acted rashly, and that he should consider of his own course. Writing to a friend in New York, he said: "I shall not act suddenly; it will look too much like a combination between a Whig Cabinet and a Whig Senate to bother the President. It will not be expected from me to countenance such a proceeding. Then, again, I will not throw the great foreign concerns of the country into disorder or danger by any abrupt party-proceeding."[2] To this resolution he adhered to the last. On the 13th of September he addressed the following letter to the editors of the *National Intelligencer:*

[TO MESSRS. GALES AND SEATON.]

"WASHINGTON, *September* 13, 1841.

"GENTLEMEN: Lest any misapprehension should exist as to the reasons which have led me to differ from the course pursued by my late colleagues, I wish to say that I remain in my place, first, because I have seen no sufficient reasons for the dissolution of the late Cabinet by the voluntary act of its own members.

"I am perfectly persuaded of the absolute necessity of an institution, under the authority of Congress, to aid revenue and financial operations, and to give the country the blessings of a good currency and cheap exchanges.

"Notwithstanding what has passed, I have confidence that the President will coöperate with the Legislature in overcoming all difficulties in the attainment of these objects; and it is to the union of the Whig party—by which I mean the whole party, the Whig President, the Whig Congress, and the Whig people—that I look for a realization of our wishes. I can look nowhere else.

"In the second place, if I had seen reasons to resign my office, I should not have done so without giving the President reasonable notice, and affording him time to select the hands to which he should confide the delicate and important affairs now pending in this Department.

"I am, gentlemen, respectfully, your obedient servant,

"DANIEL WEBSTER."[3]

[1] Mr. Granger.

[2] Correspondence, ii., 110, letter to Mr. Ketchum.

[3] On the evening of September 10, 1841, the Massachusetts delegation in Congress, were invited to meet Mr. Webster at his house. The gentlemen who attended were Messrs. Bates and Choate, Senators; and Messrs. John Quincy Adams, Baker, Borden, Burnett, Cushing, Hudson, Saltonstall, Winthrop, Representatives. Absent: Messrs. Briggs, Calhoun, Hastings, Parmenter. Mr. Webster announced the intention of Messrs. Ew-

It is now necessary to return to the condition of the foreign relations, which led Mr. Webster to the conviction that his duty to the country was superior to any duty which he owed to the leaders of his party. The correspondence between Mr. Webster and Mr. Fox relating to the case of McLeod was submitted to Congress by the President, when he sent in his message at the beginning of the extra session. As the negotiations were not concluded, neither House of Congress should have meddled with the affair in the attitude in which it stood. But in the Senate Mr. Buchanan attacked the instructions given by Mr. Webster to the Attorney-General, and said that Mr. Webster's letter of April 24th to Mr. Fox came too late. He found fault with Mr. Webster's course as compromising the honor and dignity of the country. Mr. Rives, Mr. Choate, and Mr. Huntingdon defended the Secretary, and Mr. Calhoun partially supported the views of Mr. Buchanan. In the House of Representatives the attack was led by Mr. C. J. Ingersoll, who pronounced Mr. Webster's first act as Secretary of State "a blunder." In this spirit the debate continued at intervals through a great portion of the session. The main purpose was to represent Mr. Webster as unduly and improperly interfering with the administration of justice in the State courts of New York. As he had done nothing but to secure to McLeod the means of making a defence, through counsel of his own selection—a defence which the Executive Government of the United States held to be complete—of course such a discussion in Congress could only have the effect in England of aggravating the belief that McLeod would be convicted. This belief was further strengthened by the refusal of the Supreme Court of New York to discharge him on *habeas corpus*.

But soon after this refusal was known in England, fortunately for the peace of the two countries, a change of ministry occurred. Lord Melbourne's administration was defeated in the House of Commons by a large majority, and on the 24th

ing, Badger, and Crittenden to resign their places in the Cabinet on the following day. What follows is an extract from Mr. Adams's diary, which has been kindly furnished to me by the Hon. C. F. Adams:

"Mr. Webster, then addressing me, said that, being placed in a peculiar position, and seeing no sufficient cause for resigning his office, he had requested this meeting to consult with the members of the delegation, and to have the benefit of their opinion, assuring them that, as to the office itself, it was a matter of the most perfect indifference to him whether he retained or resigned it. We all agreed that Mr. Webster would not be justified in resigning at this time."

of August he and his colleagues resigned. Lord Palmerston thus ceased to be the Secretary of Foreign Affairs, and was succeeded in that office by Lord Aberdeen, under Sir Robert Peel. It is a noticeable fact, which has more than once occurred, that difficulties between England and this country have had a better prospect of amicable adjustment under the Tories than they have had under the Whigs. It was thought on this side of the water that the closing communications between Lord Palmerston and Mr. Stevenson, as they retired from their respective places, were not of a nature tending to a settlement, and there were judicious persons in England who considered that those communications were so framed as to render a settlement very difficult for their successors.

Mr. Stevenson had, in the February previous, asked to be recalled, and, as he was to leave London about the 1st of September, Mr. Webster had to decide in July the very important question whom he should advise the President to nominate in his place. He selected Mr. Everett, because, in addition to the great fitness of that gentleman for the place, their personal relations had for more than thirty years been of the most intimate and confidential character. As he was himself to preside over the delicate negotiations that were to be undertaken with England, and as it could not be known at this time whether those negotiations would be principally conducted there or here, it was of great consequence to Mr. Webster to have in London a minister who was one of his most valued and trusted friends. In this the President cordially concurred. The nomination was made on the 24th of July, and was soon afterward confirmed by the Senate. It was thus privately announced by Mr. Webster to Mr. Everett, who was then in Italy:

[TO MR. EVERETT.]

"WASHINGTON, *July* 24, 1841.

"MY DEAR SIR: I have the pleasure to inform you that you are nominated to the Senate as minister to England, an announcement which you will not doubt it gives me great pleasure to make. I am in hopes the nomination will be confirmed, so as that I may notify it to you by the same conveyance which takes this, but the Senate is much engaged to-day, Saturday, and will probably be so on Monday, so that it may not before

Tuesday go into executive session, which would be too late, I fear, for this opportunity. No kind of opposition, however, is expected. So far as I hear, the nomination satisfies everybody but a few violent partisans, like the conductors of the *Globe*.

"Mr. Stevenson will leave London about the 1st of September, with Mr. Rush. As nobody but the consul will be left in London, it will be desirable that you repair to your post, if you accept it, as soon as may be; although it is hardly to be expected that you should be in England by the time of Mr. Stevenson's departure. I trust Mrs. Everett will not be afraid of this march to the North on account of her health. If I could have afforded it, I should have put myself in competition with you for this place; but as I wrote to Mr. Brooks the other day, I am too poor even to stay here, and much less am I able to go abroad. You may hear of me soon, for aught I know, at Marshfield, with my friend Peterson.

"We are in the midst of the session, and I may say in the crisis of our affairs. If we get along with the Bank Bill, Bankrupt Bill, Land Bill, and Revenue Bill, all which are on the *tapis*, we shall stand strong with the public. But some of these measures are of doubtful result. The great difficulty consists in producing and maintaining harmony of action among the Whigs.

"I am, dear sir, yours truly,

"Dan'l Webster."

The session of Congress terminated on the 13th of September. It will not be doubted by any who can now candidly review its occurrences, that Mr. Webster's position was a painful one. Affairs of the utmost consequence to the peace of the country rested upon *him*. On the one hand, his management of these affairs was assailed by some of the Democratic opposition. On the other, the party which had become a majority in Congress, chiefly through his great exertions and his influence with the people, had quarrelled with the President, and a portion of them undertook to compel Mr. Webster to espouse their side of that quarrel. From this period the propriety of his remaining in the Cabinet of President Tyler became one of the mooted questions of the time. The disapprobation which reached him came chiefly through public channels, and of course it was more noisy than the opposite sentiment. But the opposite sentiment flowed in upon him in great abundance. Scores of letters by every mail came to him from persons whose opinions were of consequence, not only because of their position, but because their opinions were disinterested and

calm. Judging by the current of feeling that was manifested on the public face of things, it might appear that the major part of the Whigs throughout the Union condemned his remaining in office. Judging by the mass and the weight of private evidence which now lies before me in the letters of those who expressed to him their approval and their gratitude, it is clear that he was sustained by a body of opinion at least as important as that which censured him. As time flowed on, and the wisdom and patriotism of his conduct became more and more manifest, this opinion much increased in volume. But, at the close of this session of Congress in the autumn of 1841, the Whig party was rent by divisions that originated without necessity, and that finally impaired its hold upon the confidence of the people acquired in the great election of 1840. But keeping steadily on in the path which he had marked out for himself, and enjoying the full confidence of the President, who never for one moment interfered with the important concerns of his department, Mr. Webster soon made it plain to all disinterested men that, as long as he maintained an official connection with Mr. Tyler, the great interests of the country could not suffer any material injury. On this conviction the body of the candid and intelligent people of the country, who were not political partisans, confidently reposed.

The trial of McLeod took place at Utica in October. He proved an *alibi* and was acquitted. This most unpleasant and dangerous business was fortunately thus eliminated from the vexed questions between England and the United States.

But, ever watchful to improve the legislation of the country, Mr. Webster, in the course of the next winter, prepared a bill designed to effect the removal of cases, involving international relations, from the State to the Federal courts. It was sent to Mr. Berrien, chairman of the Judiciary Committee of the Senate, with the following explanatory letter, and was passed by Congress in August, 1842:[1]

[1] It is the Act of August 29, 1842, entitled "An Act to provide further remedial justice in the Courts of the United States." A copy of it is to be found in the Works, vi., 267, as well as in the statutes.

[TO MR. BERRIEN.]

"WASHINGTON, *January* 14, 1842.

"MY DEAR SIR: In compliance with your request I send you the draft of a bill, such as appears to me to answer the intended purposes. You will, of course, consider this as a private and wholly unofficial act, intended merely to facilitate your own labors, if it may have that effect, and not as being proposed or recommended by the Executive Government. Neither the President nor the Attorney-General has seen it, nor indeed any other head of Department. The Executive Government deems some measure quite necessary, but, what that measure ought to be, it leaves entirely to the wisdom of Congress.

"In making this draft of a bill, I have conformed, as far as practicable, to the provisions of previous and existing laws, with the exception that a provision for proceeding by way of *habeas corpus* is added, as suggested by yourself.

"I hope the bill may be put into such shape as that the committee may cordially recommend, and Congress pass it, as I think the object important to the peace of the country.

"The constitutional authority for such a measure, I suppose, rests on the truth of these propositions, namely: 1. That the judicial power of the United States extends to all cases arising under the Constitution, laws, and treaties thereof. 2. That questions under the law of nations, affecting the relations of the United States with foreign states or sovereignties, and connected with the power of war and peace, and which respect asserted rights, or claims of foreign states, or sovereignties, or those things in regard to which one nation is answerable to another, belong to the proper jurisdiction of the Government of the United States, and that cases arising upon these are cases arising under the Constitution of the United States.

"I am, dear sir, with regard,

"Your obedient servant,

"D. W."

Great vigilance was necessary to be exercised by the Government during the whole summer, to prevent outbreaks upon the frontier; for, along the whole line, west of Utica, and extending into Ohio, there were organized lodges of "patriots" plotting invasions of Canada. How difficult it was to keep the peace between England and the United States, with all these causes of irritation, may now be appreciated. The following letter, from the President to Mr. Webster, refers to some of the precautions adopted at this time:

[FROM PRESIDENT TYLER.]

"Friday Morning, *July* 9, 1841.

"DEAR SIR: I deem it proper to apprise you of the steps which I directed to be taken yesterday, after leaving you, upon the subject of the information received from Mr. Kelly, so that, in your interview with Mr. Fox, you may act with full knowledge. Ascertaining that an active and vigilant officer, Captain Monroe, was stationed at Cleveland with his company of infantry, I directed General Scott to address him by the last night's mail a letter, informing him of the suspicions entertained here, as founded on information recently received; referred him to Mr. Kelly, *confidentially*, and directed him so to conduct as to acquire the fullest intelligence of any contemplated movements. A similar letter was directed to be dispatched to Colonel Bankhead at Buffalo, and General Brady at Detroit. The mail travels so much more expeditiously than could a messenger, and is regarded as so entirely safe, that I have deemed it best to adopt that mode of transmission. General Scott apprehends no danger of a descent on Canada during summer, for various reasons which seem to have much force and weight. In addition, however, to what has been done, the vigilance of the collectors, marshals, and district attorneys, should be enlisted by letters to be dispatched to them. A proclamation might be premature or unnecessary until we hear further.

"With true regard,

"JOHN TYLER.

"Hon. D. Webster."

The personal discomfort which Mr. Webster endured in Washington in the season of hot weather is not unfit to be mentioned, in addition to the perplexities arising from the state of public affairs; for he was always, at this time of the year, in a condition that rendered intellectual labor or mental anxiety unusually oppressive. He had been for many years subject to a periodical catarrh of great severity, which came on with singular punctuality in the early part of August, and continued until the first frost of the autumn. His system was much exhausted by it; and, when it was at its height, he was a great sufferer. He could not leave his post during this session of Congress; nor could he have the relief which sometimes mitigated his symptoms by going out upon the ocean. His longing for Marshfield at times was intense. "It will be no bad result of things," he writes, "that shall send me to Boston and Marshfield again. Oh, Marshfield! and the sea, the sea!"

It was often indeed piteous to see that great head stricken by such a distemper, and the "deep-set melancholy eyes" inflamed by its attacks. But the resolute will and unconquerable sense of duty carried him, year after year, through this enervating period, although it is probable that his struggles with such a persistent enemy were at last too much even for his constitution. At this period of his life, he could sometimes avert its power over his system by medical aid, and he was not often wholly unfitted for work.

From among the private letters of this period I select the following, because they evince the cordial regard of English friends whom Mr. Webster greatly valued:

[FROM DR. HENRY HOLLAND.]

"25 Brook Street, London, *June* 16, 1841.

"My dear Sir: I was much gratified in receiving your letter, introducing Dr. Parker to me. It was welcome, both as a proof of your friendly recollection, and as furnishing me with the occasion of knowing a remarkable man engaged in a very interesting object. I have seen him repeatedly, and forwarded his views so far as the present condition of affairs in China and the peculiar state of political matters in England render it practicable to do so. You will readily conceive that difficulty arises from both these sources. The speculation even of those who best know China does not now venture to affix any certain term to our war there; and, without this, little is likely to be done to forward one of the most worthy objects of peace. The uncertain tenure of the ministry at home is another cause of difficulty, which may yet continue two or three months longer.

"Eventually, I trust all these obstacles will be removed; and then Dr. Parker's personal merits, and his remarkable advantages derived from prior residence on the spot, will, I hope, secure the prosecution on a larger scale of the important object to which he attaches himself.

"I have introduced him to the Duke of Sussex and Lord Lansdowne; each of whom I think likely to enter with interest into his views.

"I will not, my dear sir, encroach further on your time, now (happily for both sides of the Atlantic) occupied on so many important objects. Should there be any occasion in which I can in any way or sort serve you here, I trust you will give me the satisfaction of doing so at any future time.

"Believe me, my dear sir, with much respect,

"Your most obedient servant,

"H. Holland."

[FROM DEAN MILMAN.]

"CLOISTERS, WESTMINSTER ABBEY, *July* 16, 1841.

"MY DEAR SIR: Our very intimate friends, Mr. and Mrs. C. Lyell, are about to visit America on a scientific excursion. Mr. Lyell, you well know, is among the most distinguished geologists in Europe, and, in all respects, a highly-cultivated and excellent man. Mrs. Lyell (a daughter of Mr. Leonard Horner's) is one of Mrs. Milman's most intimate friends, and a very pleasing and accomplished lady. I am quite sure, when I venture to recommend them to your acquaintance and to Mrs. Webster's, you will find them fully deserving of any attention which you may be disposed to show them. I acknowledge that I wish it were in my power to follow their example, and visit America. There are three natural objects which I am extremely anxious to see: Niagara, a primeval forest, and one of your vast rivers. Among other inducements, not less strong, is the desire of renewing my acquaintance with American friends whom I have learned to value and admire.

"You are now in high official dignity; and, I am sure, as a man, by sentiment and profession, of peace, that the affairs of your country cannot be intrusted to those more disposed to promote public harmony between the countries and private friendship between the individual members of either country. Mrs. Milman begs to unite with me in the kindest remembrances to yourself and all the ladies of your family.

"Believe me, my dear sir, with sincere respect and esteem,

"Ever faithfully yours,

"H. H. MILMAN.

"The Hon. Dan. Webster."

[FROM EARL SPENCER.]

"WISETON, *September* 12, 1841.

"MY DEAR SIR: I have thought it right to let you know of some transactions in which I have been engaged, and in which, as I now believe, your name has been most improperly made use of, and your writing forged. I enclose you a letter, which, when I first saw it, I believed to be your handwriting, but which I now believe to be a forgery.

"Some time last spring, while I was living at Althorp, I received a letter from a person who signed himself Monroe Edwards, enclosing the letter which I herewith transmit to you. He stated that you had given him a letter of introduction to Lord Brougham as well as this one to myself; that he had made use of the letter to Lord Brougham when he first arrived in England, and, Lord Brougham having done for him every thing he wished, he had not thought it necessary to trouble me with this letter. But that, now he was in great difficulty, Lord Brougham was abroad, which I knew to be the case, that neither the American Minister, Mr. Stevenson, nor any other of his fellow-countrymen would assist him because

they were so hostile to his objects about the negroes, to whom allusion is made in the enclosed letter; and that he was actually without a farthing to pay for his lodgings, or to carry him and a son of his he had with him home to New Orleans. He therefore sent me your letter, and asked me to lend him two hundred and fifty pounds, offering as security certain bonds or receipts upon some bank in the United States. As to these securities, I thought very little about them, but I concluded they were good as they were offered by a friend of yours. Now, this story was a very plausible one, with the exception of the assertion that Colonel Edwards's fellow-countrymen would not assist him. But I thought it very probable that you would give any friend of yours, about whom you were interested, a letter of introduction to Lord Brougham, and hoped it was not very improbable that you might also give him a letter of introduction to me. I accordingly referred Colonel Edwards to my solicitor in London, and sent up this letter purporting to be from you. My solicitor took the letter to Messrs. Baring, who said that they knew your handwriting perfectly well, and were sure the letter was a genuine one. I have said I cared very little about Colonel Edwards's securities, but I felt that I should behave very ill to you if I permitted a 'valued friend' of yours to be arrested when I could avert it by a loan of two hundred and fifty pounds. I will indeed say more, that I should not have considered it very creditable to my country if such a friend of yours could have been so treated without any one of us coming forward to help him. I accordingly advanced the money, my solicitor taking all the legal securities that were possible, and, among others, receiving a certificate from the American consul that Colonel Edwards was the real bearer of that name. Colonel Edwards promised to repay me during this month of September, saying that he took so long a period in order to be quite certain that he should have arrived at New Orleans, and been able to transmit the money to the day. I felt myself quite secure of repayment till about three weeks or a month ago, when my solicitor received a letter from Colonel Edwards at Philadelphia, not written in his own hand, but only signed by him, saying that, having had business to transact in London, he had employed a person of the name of Justin, an Englishman, to transact it for him; that, with this view, he had put his papers into the hands of this Justin; and, sending my solicitor a copy of a letter purporting to be from Justin to him, Colonel Edwards, in which he tells him he had abstracted certain securities from these papers, and had upon them borrowed two hundred and fifty pounds from my solicitor, but making no mention of the letter, purporting to be yours, at all; Justin saying that, with this fraudulent object, he had personated Colonel Edwards. This, I confess, appeared to me rather suspicious. I accordingly wrote to Brougham, when I found out that this history about Justin was a pure invention; that Colonel Edwards had really been here, that he had presented to him a letter of introduction from you, and had asked for a loan of money; but that General Hamilton, the minister from

the Republic of Texas, having heard something of this, wrote to Lord Brougham to say that this Edwards had been convicted and imprisoned for forgery in Texas, and had escaped from jail; that he, General Hamilton, had told him that he knew all about him, and that Edwards had made no reply to this letter. In consequence of this information, I had communication with General Hamilton, and my solicitor showed him the enclosed letter, which he says he is confident is a forgery.

"As to recovering the two hundred and fifty pounds, that, of course, is out of the question; it is also hardly possible to do any thing toward the legal conviction of Edwards for this forgery; but it may be possible, by exposing him, to prevent him from defrauding other people. I fear, therefore, you may think I am giving you a great deal of unnecessary trouble in sending you this long detail, but, as your name had been so much mentioned in this transaction, I think it is as well that you should be aware of what has taken place. And, as we seldom act without some selfish influence operating upon us, I must also admit that I am not sorry to be able to lay before you this proof that I am, and always shall be, most happy to attend to your wishes, and to do all I can to show hospitality to any friend of yours whom you may wish to recommend to me.

"Believe me, my dear sir,

"Yours most truly,

"SPENCER.[1]

"Hon. Dan'l Webster, etc., etc."

[1] The adventurer here mentioned, Monroe Edwards, was afterward sentenced to the penitentiary, in the State of New York, for another crime.

The letter which he forged, in Mr. Webster's name, was in a handwriting closely resembling Mr. Webster's, and the signature is so well imitated that it is not remarkable that persons in London, not professing to be experts, but acquainted with Mr. Webster's writing, should have been deceived by it. Still, if it had been compared by an expert with Mr. Webster's genuine signature, the forgery would probably have been detected. The plausibility of "Colonel Edwards's" story will amuse the reader. The forged letter ran as follows:

"MARSHFIELD (near Boston), *October* 29, 1840.

"MY LORD: I have taken the liberty to introduce to the honor of your acquaintance my valued friend, Colonel M. Edwards, a highly respectable and wealthy planter of Louisiana, who visits England with the view of conferring with her Majesty's Government on the subject of two hundred African captives, now illegally held as slaves in Texas, which Africans were sold with an estate to Colonel Edwards, and imposed on him as *bona fide* slaves. Subsequently, learning their claims to freedom, he, with a degree of magnanimity before unknown, attempted their restoration to freedom by sending them to an English colony, but was prevented from so doing by the direct interposition of the Government of Texas. These poor Africans have claims on her Majesty's Government, and it is with a view of representing these claims in their proper light that Colonel Edwards visits England.

"Any service it may be in your lordship's power to render Colonel Edwards, in promotion of his most praiseworthy object, will be properly appreciated.

"I have the honor to be

"Your lordship's most

"Obedient servant,

"DAN'L WEBSTER.

"Right Hon. Earl Spencer,
London."

This affair had a very curious sequel. On his return to this country, Edwards committed a forgery on certain bankers in the city of New York. From the proceeds of this forgery, he remitted to Earl Spencer the money he had borrowed from that nobleman; who thereupon, being completely disarmed of his suspicions, wrote to Mr. Webster, in the most amiable manner, to express his regret that he had unjustly harbored a distrust of Mr. Webster's "friend." The conviction of Edwards for this forgery on the bankers put an end to Lord Spencer's doubts.

[FROM THE RIGHT HON. J. S. WORTLEY.]

"CURZON STREET, *September* 30, 1841.

"MY DEAR SIR: I believe it will be quite superfluous for me to give an introduction to you in favor of Lord Morpeth, to whose hands I commit this letter. I have no doubt you must have made his acquaintance when you were here; but, at any rate, you must know his name well enough as a member of Lord Melbourne's late government. He and I differ in politics, and I have lately proved the successful competitor for parliamentary representative in the West Riding of Yorkshire; yet, notwithstanding this, you must not be surprised that I wish to recommend him to your notice as a private friend. He and I were contemporaries at Oxford; and he was my earliest and best friend; and our mutual regard, I believe I may safely say, has survived all our public differences. He is at present out of my reach, and therefore I know not whether he was acquainted with you when you were here or not; but, if not, I am quite sure that I exaggerate nothing when I say that an acquaintance with him cannot fail to impress you with a due estimate of those qualities of both mind and character which conciliate the respect and win attachment, personally, of all who know him.

"I am the more ready to send this letter by his hands, because I rejoice in the opportunity which it gives me to recall myself to your recollection.

"I have observed with pleasure your elevation to high office in your own country, where, I have no doubt, you will find opportunities of raising still higher your already distinguished reputation.

"Believe me, my dear sir, yours very sincerely,

"J. STUART WORTLEY."

[FROM MR. DENISON.]

"OSSINGTON, *April* 16, 1841.

"MY DEAR SIR: I must not delay another day thanking you for a letter which gave me so much pleasure; and I should not wish to be quite the last (as I fear I may be) in making you my hearty congratulations on the high post to which you have been called; yet these congratulations not to you so much as to your country, and my country, and the civilized world at large, who are all deeply interested in seeing the politics of the United States conducted in a just, candid, and honorable course.

"If we had not seen each other so lately, and if you had not had the opportunity of seeing with your own eyes, and hearing with your own ears, how the United States and every thing that belongs to them are regarded in this country, I might perhaps have thought it worth while to enter at some length on that topic, and to tell you, not only how completely all bad and jealous feelings are cured, but how sincere and uni-

versal the desire is to cultivate the most friendly and intimate relations with you, our brethren on the other side of the water. But all this to you must be entirely unnecessary. I make no doubt that, among the great body of the American people, the same feeling of good-will toward us prevails, and I cannot therefore entertain a doubt that our differences may be honorably and peaceably adjusted.

"I remember Mr. Jefferson saying to me, that it was his entire belief that Mr. Pitt and the governments of those days delighted in war, on account of the plunder they were able to make of the public money in times of high excitement and large expenditure. But those good old days are now gone by, and even this high motive for destroying life and property is now come to an end.

"You will now be overwhelmed with business, and I shall not expect any answer to this, and not a word from you till Congress has separated, and the roughest and the heaviest of your work is over, and the days are long, and you have gone down for a holiday to look at your farm. Then, if any Ossington seeds are doing themselves credit, you may find ten minutes to write me a line. Keep peace, too, and let the highway of the seas be assuredly open; and I must see about sending you a good specimen of of some short-horns for your farm, but I won't risk such a precious cargo to the chance of privateers and prize-hunters.

"We had a very beautiful spring, and one most favorable for all farming operations. I have lately been buying some very good cattle at terrible high prices, and very soon I shall have a herd worth a visit from any of your agriculturists in search of the best short-horns.

"I am busy, too, in finishing my house. I have just had over some German painters from Munich to paint my ceilings. I think Mrs. Webster went to Munich, so she will know the style of work there under the patronage of the king. My attempt is the first that has been made to introduce it into England.

"My neighbors, to whom you were so good as to desire your remembrances, were greatly flattered by your recollection of them. I had the clerical neighbor from Doncaster here yesterday, to lecture me on some points of farming. I told him how favorably I had imprinted his name on your mind by the story of his picking up the weed while the dog was pointing. He wanted to deny the story, but, soon afterward, he said he remembered, some years ago, finding some thorns cut off a hedge lying on his land, and that he had thrown them over into a neighbor's wheat. One day, while he was standing concealed under his own hedge, he heard the said neighbor coming down his field, and exclaiming, as he picked up the thorns, 'D—— the parson, he has been here again!'

"Make my best remembrances to the good Judge. Lady Charlotte desires to join with me in kind regards to Mrs. Webster.

"Believe me, yours very sincerely,

"J. E. Denison."

# CHAPTER XXVIII.

## 1841–1842.

LORD ASHBURTON SENT AS A SPECIAL MINISTER—STATE OF THE BOUNDARY QUESTION—COMMENCEMENT AND PROGRESS OF THE NEGOTIATIONS—DANGER OF MISUNDERSTANDINGS—COMMISSIONERS APPOINTED BY MAINE AND MASSACHUSETTS—SHORT VISIT TO MARSHFIELD—DESCRIPTION OF HIS HOUSE AND FARM—SETTLEMENT AND SIGNATURE OF THE TREATY OF WASHINGTON—HOSTILITY TO MR. WEBSTER OF A PORTION OF HIS OWN PARTY—PERSONAL CALUMNIES.

MR. WEBSTER had from the first viewed the subject of the Northeastern boundary as hopeless without an entire change in the manner of proceeding.[1] He had, therefore, after obtaining the President's authority, informed Mr. Fox, in the summer of 1841, that he was willing to settle the dispute by agreeing to a conventional line, or a line by compromise. This proposal was at once made known by Mr. Fox to his Government, and Mr. Webster awaited their response. In the following December, Mr. Everett, who had previously entered upon the duties of minister of the United States in England, was informed by Lord Aberdeen that the Queen's Government had determined to send Lord Ashburton as special minister to the United States, with full powers to settle the boundary and all other controversies between the two countries. This intelligence reached Mr. Webster in the latter part of January, 1842. At the same time with Mr.

[1] Works, v., 97.

Everett's announcement of this important event, Mr. Webster received the following private letter from Mr. Joshua Bates, then the head of the firm of Baring, Brothers, and Company, which was founded by Lord Ashburton's father, Sir Francis Baring:

[FROM MR. JOSHUA BATES.]

"LONDON, *January* 3, 1842.

"MY DEAR SIR: I doubt not you will learn with great pleasure of the appointment of Lord Ashburton as a special minister to settle all disputes between the United States and Great Britain. You must be aware that, with his princely fortune, the emolument is no object, nor do I think he is ambitious of diplomatic fame. His sole motive in accepting, at his advanced age (sixty-seven), of such an appointment, is to be found in his strong desire to see the relations between the two greatest commercial nations of the world placed on a permanent basis that will cement the friendship and increase the prosperity of both. I sincerely hope he will not be disappointed. Indeed, I think the American people will view the whole as complimentary to the nation, deserving to be met in the same spirit of liberality. Some of the opposition newspapers here endeavor to make out that he has a personal interest in the preservation of peace. I am not aware of any. The estate of Mr. Bingham[1] has, I believe, remained undivided to this day, but that is equally safe in peace or war. You are aware that he has had no connection with the house of Baring, Brothers, and Company, since 1832. In fact, he really went out when I entered the house, but was not gazetted until 1832, so far as my memory serves me, nor is he a holder of American stock for a dollar. In 1810 or 1811 he wrote a pamphlet in defence of the American neutrality and commerce. It is out of print now, but it showed a strong feeling in favor of the United States, and a perfect knowledge of their commercial enterprise. In this he was but following the footsteps of his father, Sir Francis, whose friendship for America went so far, that when the American minister in London, on the failure of the house that had acted as agents to the United States Government, applied to him to take up the business, he replied, that he should be happy to do so, and that while he lived he would transact the business free of charge. The letter containing this offer is the first in a volume which we had copied by order of Mr. McLane to supply the place of documents destroyed when the Treasury was burned. The letter is worth reading. I mention it not only to show that there has always been a friendly feeling in the family toward the United States, but that, while people sought to magnify the pecuniary advantages thrown in the way of the house, it was not receiving any compensation whatever.

[1] Lady Ashburton was a daughter of Mr. Bingham, of Philadelphia.

"I presume Lord Ashburton, who sails in a frigate in about three weeks, will take a large retinue with him, but Lady Ashburton does not go. He will want a large house, which I hope may be found, for he is naturally disposed to give liberal entertainments, and I am anxious that he should have the conveniences for so doing ready to his hand. I am not sure but an order will come in time for this steamer to engage a house, but, for fear it should not, would it be asking too much to request you to have inquiries made (if there is a large house to be had) as to its price, in order that he may not have to pay more than twice its value. When the order to take it shall arrive, the best way will probably be for him to send some one by the first sailing packet to prepare the house and have all in readiness for his arrival. That person will call on you for advice.

"Mr. Everett has made a very favorable impression at court, and will do the country great credit. It is important at this time to have such a man here. It is some counter-balance to the disgrace arising from the defalcations of some of the States, and the swindlings of various corporations who have abstracted from John Bull enormous sums by giving their bonds. The money seems to me all lost, so far as the corporations are concerned. Trade is improving and money is expected to be abundant in a few days, and I look for considerable activity in trade in the spring, as prices are generally low.

"Mrs. Bates joins me in kind regards to Mrs. Webster and yourself. With which, I remain, my dear sir,

"Very sincerely yours,

"Joshua Bates.

"Hon. Daniel Webster."

This special mission, as Mr. Bates—himself an American, although long a resident in London—justly observed, was a high compliment to us. It evinced in a striking manner the wish of Sir Robert Peel's ministry to settle the pending questions. But this step was one which no ministry could have ventured to take, if they had not felt assured that it was perfectly safe to take it, Mr. Webster being the American Secretary of State. To transfer these negotiations to Washington was a proceeding attended with some inconveniences to the Queen's Government, and with corresponding conveniences to ours.

The public history of the Treaty of Washington is so well known that it is unnecessary for me to repeat it at length; but there is an interesting private history concerning the manner and some of the incidents of its negotiation, which appropriately belongs to a life of Mr. Webster, whose official position

was doubtless the principal cause why an unusual step was taken to produce an adjustment of the questions at issue between the two countries. From this private history it will be learned how frankly, and with what consultation of each other's difficulties, the negotiators conducted this great transaction. They met and conferred, as men who had an important business to accomplish for the two nations, which were to be saved from the dire necessity of war without any sacrifice of honor or of interest on either side.

If the United States alone had been interested in the question of the Northeastern boundary, its settlement would have been far less difficult than in fact it was. But, in our peculiar system of government, a question of the boundary of the country necessarily involves the interest of some State, if the line to be fixed is also the exterior boundary of a State. In this instance the interests of two States were involved in the settlement of the line which the Treaty of 1783 had failed to establish with precision; for in the disputed territory lay a large tract of land, the soil of which was claimed by the States of Massachusetts and Maine, and in addition to this the latter State claimed the political jurisdiction.[1] How there came to be a disputed territory it is not necessary to state here, further than to explain that, from the ambiguities in the Treaty of 1783, arising from the imperfect knowledge of the geography of that country possessed by its negotiators, the terms describing the natural monuments, by which the treaty undertook to run the boundary, were capable of more than one application. These natural monuments had come, in the British construction of the treaty, to mean one set of highlands and of streams, and in the American construction to mean another set. The maps of that region, known to have been extant at the time of the treaty, and supposed to have been used by the commissioners when they agreed upon the description of these natural objects, had for years been regarded by each party as confirming its own construction of the terms employed. They were probably inaccurate, and they certainly afforded no satisfactory

[1] The disputed territory comprehended 12,027 square miles, or 7,697,280 acres. By the award of the King of the Netherlands, which was rejected by the parties, 7,908 square miles, or 5,061,120 acres, were assigned to the United States, and 4,119 square miles, or 2,636,160 acres, to Great Britain.

evidence of what highlands and rivers the commissioners meant to describe as the course or *termini* of the lines which they intended to run. But the opinion of each party in respect to the rightfulness of its own interpretation was a fixed opinion long before the present period, and the two States of Massachusetts and Maine held their right to the territory, which was claimed by Great Britain under her construction of the treaty, to be beyond dispute.

It was chiefly in order to settle this question with Mr. Webster that Lord Ashburton came to this country. He arrived in Washington on the 4th of April, 1842, and on the 6th he was presented to the President. In anticipation of his arrival, the Legislature of Massachusetts had, on the 3d of March, adopted resolutions which had been sent to the President, declaring that the boundary could be easily and clearly traced in accordance with the Treaty of 1783; that Massachusetts had a joint interest with the State of Maine in the proposed negotiation, and would take all necessary steps to secure her rights; and that no compromise could be made without the assent of the two States. This was perhaps a rather unpromising attitude to be taken by one of the interested States, but Mr. Webster determined on a mode of proceeding by which their coöperation or assent could be secured. On the 11th of April he addressed an official letter to the Governors of the two States, informing them of the arrival and errand of Lord Ashburton, with authority to treat for a conventional line with mutual considerations and equivalents; that without the assent of the States concerned the Government of the United States could not proceed in this mode, but must go on to negotiate a new survey and arbitration, with all the delays and risk attending such an attempt; and suggesting the appointment of commissioners by the governments of Maine and Massachusetts, for the purpose of assenting to the line that might be agreed upon. Governor Davis, of Massachusetts, immediately replied to this communication, that the resolutions already adopted by the Legislature of the State were deemed sufficient to authorize the appointment of such commissioners, that they would probably be appointed, and that the people of the State were ready to make any reasonable concessions to the

convenience or necessity of Great Britain, "but nothing—not a rood of barren heath or rock—to unfounded claims."[1]

Less difficulty, however, was to be apprehended in that quarter, than from the State of Maine. It became necessary to assemble the Legislature of that State for the special purpose of having the commissioners appointed. In order to effect this important object, Mr. Webster went to Boston early in May, and while there he requested Mr. Jared Sparks to repair to Augusta and confer with the Governor and the leading members of the Legislature. Mr. Sparks, who was thoroughly conversant with the history of the Treaty of 1783, and who knew the strength or the weakness of the American claim in all its features, executed this delicate mission with much address.

While in Boston Mr. Webster had occasion to write the following private letter to Mr. Everett, in regard to a misapprehension on the part of Lord Aberdeen of the precise grounds of our complaint in the case of the Creole. There was no small danger lest a disagreement on this subject should obstruct the settlement which Lord Ashburton had come here to accomplish:

[TO MR. EVERETT.]

"BOSTON, *May* 16, 1842.

"MY DEAR SIR: I left Washington on the 12th and came to this city, partly on business connected with the boundary question, and partly on other accounts. Your dispatch by the Caledonia had been received, and there seemed nothing to require an immediate answer. The King of Hanover, I fear, will hardly find us willing to extend further the principles of unrestricted trade. We are already suffering too much from our liberality in regard to that subject, in other instances. The whole subject of reciprocal treaties must soon receive the careful consideration of the Government; meanwhile inquiries, resolutions, and calls for information, in regard to it abound in Congress. At the moment of leaving Washington I had an opportunity of running over a copy of Lord Aberdeen's letter to you, in answer to yours on the Creole case. I confess I was a good deal disappointed at its contents. Its general character seems to be controversial, and it does not fall in happily with what is attempted to be carried on here. There are also misapprehensions which quite surprise me. How is it possible for Lord Aberdeen to understand your letter as demanding the surrender of fugitives from justice? Or how is it possible

[1] MS. Letter of Governor Davis to Mr. Webster.

that he could imagine that any thing said in the debates in the House of Lords, upon which he lays such stress, had any thing to do with any point raised by us? But far worse than all misapprehension and mistake, is the light in which Lord Aberdeen seems inclined to regard the mutineers and murderers who carried the Creole into Nassau. I may do his lordship injustice, as the paper was hardly in my hands five minutes; but he appeared to me to look upon those persons as very innocent individuals, who had chosen to come into her majesty's dominions, with a ship, the possession and control of which they had very rightfully obtained. This appeared to me to be, at least, the tendency and result of his remarks. As the persons had done nothing unlawful, the ship, of course, was theirs; and if suit had been brought against them for it, in her majesty's courts, Lord Aberdeen's reasoning would appear to furnish them with a complete defence! You will have seen what passed in the court at Nassau, when the consul of the United States made an attempt to bring the mutineers and murderers to trial as pirates. We have never said nor supposed they could be tried in the British courts as pirates; but the Chief Justice of the Bahama Islands completely justifies these persons for all they have done, and goes far out of his way to express doctrines and sentiments which appear to us absolutely ferocious. If such sentiments were to pervade the British tribunals, and to find favor at home, consequences of the worst character must certainly ensue. I really hope and trust that I misunderstood Lord Aberdeen's language; but as to that of the chief justice, it is as little capable of being misunderstood as it is of being justified or excused. I shall probably receive a copy of this paper by the Arabia, and will examine it more closely.

"I find Lord Ashburton just and reasonable in all his general opinions and sentiments. Nothing specific is agreed upon as yet. He waits to hear from his Government, and I wait to see what the Legislature of Maine will do. It assembles on the 18th. I must confess I have great fears of the tenacity of Maine, and the tenacity of the British Government, on points not important to either. If the matter were in the sole discretion of Lord Ashburton and myself, I am persuaded we should find little difficulty.

"I hope to be back in Washington in ten days.

"Yours truly,

"Dan'l Webster.

"Hon. Mr. Everett."

Mr. Sparks, after his arrival at Augusta, wrote to Mr. Webster as follows:

[from mr. sparks.]

"Augusta, *May* 19, 1842.

"My dear Sir: I arrived here yesterday, and have had two interviews with Governor Fairfield. I stated to him as fully and clearly as I could

the particulars which you desired me to communicate. He saw at once their bearing, and seemed to view them as worthy of deep consideration; and I think he was gratified with the measure you had adopted to place them before him. He spoke frankly of the whole subject, expressing his conviction strongly, that now is the time to settle the dispute, and that the preliminaries of the negotiation ought to be placed on such a footing as to remove all the obstacles to a fair adjustment. He regards the opportunity now presented as a most favorable one, and says we have little to hope from another arbitration in Europe, if we cannot agree upon reasonable and honorable terms offered to us at home. He would have the commissioners go without instructions and with full powers. From the tenor of all his remarks I cannot doubt his sincere desire, by all the means he can use, to promote the negotiation and bring it to a speedy issue.

"I have conversed with several of the leading members of both branches of the Legislature. There is certainly a good spirit abroad, and more free from the influence of party bias than could have been expected. A committee of one member from each county, and nine senators, have been sitting yesterday and to-day. They voted unanimously to send commissioners, and, with three dissenting voices, to send them without instructions. But I find there are some apprehensions as to the turn which things may take in the debates. There is a small party for instructions, another small party who profess to distrust the powers of the Legislature, and who would have a convention expressly chosen by the people, and I have heard of those who are opposed to any kind of action. These remnants combined may become formidable. Yet the votes of the committee would seem to indicate a better result. Mr. Sprague will doubtless inform you more largely on these points.

"I have heard much said incidentally about equivalents. They will accept no money from the British Government, not a farthing. It would be derogatory to the dignity of the State. Upon this there is but one opinion. Some kind of privilege in the navigation of the St. John's will be insisted on. They talk of islands at the mouth of the St. Croix, particularly Campo Bello and the Grand Manan, which they say ought to have belonged to the United States by the treaty of peace, and in this they are probably right. In short, I have heard nothing extravagant, or apparently unreasonable, concerning equivalents. They expect the United States to pay all the charges they have incurred in defending the territory.

"It has been proposed to send four commissioners, two of each political party. Of course there has been no decision on this subject, but I think they will certainly send an equal number of each party.

"Since writing the above, I have called to take leave of the Governor. He spoke cautiously as to the probable action of the Legislature. He requested me to present his respects to you, and to assure you that he heartily concurs with your views as to the manner of meeting the advances of the British Government; that he shall aid them as far as may be in his

power, and that he hopes you 'will have the pleasure and the honor of completing the negotiations.'

"I expect to be at home by Saturday night.

"I am, dear sir, respectfully and truly,

"Your obedient servant,

"JARED SPARKS.

"Hon. Daniel Webster, Secretary of State."

The Maine commissioners were appointed, but not, as Mr. Sparks had hoped, without instructions. The resolutions which authorized their appointment, asserted that the line of 1783 was entirely feasible, and would include within the State of Maine all the disputed territory; that the State was ready to make any reasonable concessions to the necessity or convenience of Great Britain, but nothing to unfounded claims, and that no concession of territory, by the English, lying within the limits of the State, was in any case to be regarded as an equivalent, or set off to any thing yielded by the State. This was not a very hopeful basis for the negotiation, inasmuch as it rendered any division of the disputed territory impracticable, if the portions which might be assigned to Maine were to be regarded as an equivalent for what she might release to Great Britain. It made it necessary, as will be seen, in the progress of the negotiation, to find an equivalent for Maine, which she would be content to accept, in case she surrendered her claim to any part of the disputed territory. The commissioners of the two States arrived in Washington in the early part of June, and the negotiation commenced.[1] At this precise moment, Mr. Webster wrote privately to Mr. Everett as follows:

[TO MR. EVERETT.]

"*June* 14, 1842.

"MY DEAR SIR: I know not that I have much to say by this conveyance. Your private communications by the Caledonia were duly received. I need hardly say that I *feel* every thing contained in that letter, which you marked as *particularly* confidential. One of its topics will be attended to, and the *evil* corrected.

"Your letter to Lord Aberdeen, on the boundary question, is quite judi-

[1] On the part of Maine, the commissioners were, William Pitt Preble, Edward Kavanagh, Edward Kent, and John Otis. On the part of Massachusetts, they were Abbott Lawrence, John Mills, and Charles Allen.

cious. You place the argument, *de rebus exteris*, handsomely and strongly. Nevertheless I must tell you, in particular confidence, that I hope you will *forbear to press the search after maps in England or elsewhere.* Our strength is on the letter of the treaty.

"The commissioners presented themselves yesterday, and I have had a conversation with them to-day. They appear disposed to accomplish the object of their appointment. Mr. Preble's appointment excited some fears, as he may be supposed to have old wounds. But so far he manifests no improper temper or feeling. Lord Ashburton is looking daily for his final instructions. On their arrival, we can decide in twenty-four hours whether there will be a settlement of the difficulty. There must be mutual cessions. We must have more or less of the strip lying west of St. John's. The importance of this, in order to uphold the character of the proposed treaty, as an exchange of equivalents, is incalculable; its importance to England nothing; and, so far as we can learn, the inhabitants, from a little above Woodstock to the river, are as willing to be on one side as the other. I pray you to state this matter pointedly and urgently to Lord Aberdeen; for I greatly fear that, unless Lord Ashburton is left at liberty in this particular, there is danger of his returning to England *re infecta.*

"Let me repeat, the great object is to show mutual concession, and granting of what may be regarded *in the light of equivalents.* The absolute value of the thing is not the point of interest.

"Yours faithfully always,

"D. W.

"Edward Everett, Esq., etc., etc., etc."

The negotiations began officially by a letter addressed by Lord Ashburton to Mr. Webster on the 13th of June, in which he said—there was no occasion to revive the old controversy—the arguments had been repeatedly and thoroughly canvassed, and further discussion of disputed claims would be unprofitable. A course of conciliation and compromise was necessary, and a purely conventional boundary was the only practicable one. He would, however, go so far as to show that the dispute had not originated with England, in 1814, as some had asserted, but dated from the very time of the Treaty of 1783. His wish now was to settle the matter to the satisfaction of all parties, and not to urge the old claims of his Government. Mr. Webster and Lord Ashburton had a personal conference on the 18th of June; and, in compliance with Mr. Webster's invitation, his lordship put in writing two or three days afterward a statement of his views on the subject of a conventional line. He began by alluding to his own efforts to promote cordial relations

between the two countries, and expressing his desire to deal with the present question in the most frank and open manner. It was generally admitted that the Treaty of 1783 could not be executed, and concession and compromise were therefore necessary. The points to be kept in view were the attainment of a good boundary-line, an open communication between British colonies, and the retention of the inhabitants of the disputed region under the Government to which they had been wont to pay allegiance. Acres of land were not what he sought for England —they were of little value compared to the objects named. He was willing to concede the material advantages, and retain only what was essential to Great Britain, and the rightful interests of her subjects. He thought the river St. John's would form a good boundary from its intersection with the due north line coming from the head-waters of the St. Croix, except that he had settled objections to dividing what was known as "the Madawaska settlement," one fourth of which was on the Maine side of that stream. He could not "in any case abandon the obvious interests of these people." He gave a short account of these settlements, and declared that it would be cruel to cast them off from the British colonies. If this deviation was allowed, he was willing to surrender the disputed strip along the forty-fifth parallel of latitude, which included Rouse's Point. This was a valuable concession, and he was determined that America should be satisfied. Another concession which he was ready to make, was the privilege of floating timber down the St. John's to its mouth, free of duty, and under no restrictions not put upon that from New Brunswick.

At this point the questions growing out of the case of the Creole appear to have again endangered a misunderstanding, which threatened to frustrate the whole object of the special mission. An energetic remonstrance and explanation by Mr. Webster, in the shape of a private letter to Mr. Everett, which he was directed to read to Lord Aberdeen, corrected this difficulty in part:

[TO MR. EVERETT.]

"Department of State, Washington, *June* 28, 1842.

"My dear Sir: I had fully hoped to be able to assure you, by this conveyance, that we were in a fair way to a speedy and happy conclusion

upon all the subjects intrusted to Lord Ashburton's negotiation. But I am pained to say that this is far from being the case. Our movement for the last ten days, if any has been made, has been rather backward. The boundary business is by no means in a highly promising state—so many difficulties arise, not only between us and England, but between us and the commissioners, and the commissioners of the two States themselves—and other questions are still less so. I know nothing of Lord Ashburton's recent instructions, but he appears to me, certainly, to be under restraints not heretofore apparently felt by him. What increases the embarrassment and renders a failure more probable, is his great unwillingness to stay longer in the country. The President has desired a personal interview with him, which has been had, and the President has pressed upon him in the strongest manner the necessity of staying till every effort to effect the great object of his mission shall have been exhausted.[1] The President feels, what all must feel, that if the mission should return, *rebus infectis*, the relations of the two countries will be more than ever embarrassed.

"I think we have much reason to regret, if not some right to complain, that, in regard to the delicate questions growing out of such cases as that of the Creole, we have been strangely misunderstood. The Lords took up the subject of the Creole, apparently with no accurate knowledge of what had been done or said by us, and argued and decided questions which we had never raised or thought of raising, and that misapprehension seems to have run through all subsequent considerations of the subject. We did not make any demand for fugitive slaves; no such thing; we well know that when slaves get on British ground, they are free. Nor have we ever asked England to enter into any stipulation by treaty which should interfere with this general principle of English law. Nor do we, in the absence of treaty provisions, demand the surrender of fugitives from justice. You quote Lord Aberdeen as saying, 'You do not yourselves give up mutineers to be punished.' Certainly we do not, nor do we surrender other offenders, unless in virtue of special stipulations by treaty. But we think a proper convention for the extradition of offenders charged with high crimes would tend greatly to prevent the commission of such crimes, and to preserve peace and harmony between the two countries. Such a provision would have nothing in it peculiarly advantageous to the United States. Its benefits would be equal and alike to both parties. All along the inland frontier the necessity for some mutual regulation of this kind is severely felt, and cases calling for such regulations are also constantly arising on the high-seas. It is now only a few months since an English subject, charged with mutiny, was demanded of the authorities of Charleston, and could not be surrendered.

"It certainly is not becoming between two nations, such as England and the United States, that one should make its territories an asylum for

[1] It is a fact, which Mr. Webster always acknowledged, that President Tyler's address, in persuading Lord Ashburton to remain, was most skilfully and happily used.

the perpetrators of any enormity of violence and blood, who may flee to it from the other. If this state of things continue, its continuance will not be our fault, nor its consequences, whatever they may be, chargeable to our account. It is our desire to establish a fair, just, and well-considered rule for mutual extradition, and the option lies with England to adopt or to reject it. But at any rate we wish to be distinctly understood, and I repeat, therefore, that we do not demand the restitution of fugitive slaves; that, without treaty stipulations to that effect, we do not demand, and shall not demand, the surrender of criminals fleeing from justice. But all this is quite remote from what we firmly hold to be our rights, according to the laws and usages of nations in such cases as that of the Creole. That is to say, that in cases of vessels carried into British ports by violence or stress of weather, we insist that there shall be no interference from the land, with the relation or personal condition of those on board, according to the laws of their own country; that vessels under such circumstances shall enjoy the common laws of hospitality, subjected to no force, entitled to have their immediate wants and necessities relieved, and to pursue their voyage without molestation. It may be hoped that cases giving rise to these questions may not hereafter often occur. I think they will not. Yet, in the present posture of things, I deem it indispensable to the quieting of excited apprehensions, allaying resentments, and giving just security for the future, that some regular stipulation be entered into, or, at least, some authentic declaration given, that the British colonial authorities shall be made to respect the rules which usually regulate the intercourse of friendly states, their citizens, and subjects. No man can well doubt the necessity of this, who has taken notice of certain recent judicial proceedings in the Bahama Islands.

"I understand you to say, in your last private letter, that, in conversation on this subject with Lord Aberdeen, his lordship said that we must guard ourselves against occurrences of the kind under consideration, by 'convoy.' I do not comprehend him, and possibly you misunderstood his expression. He could not mean, certainly, that, in time of peace, a government should convoy its own coasting trade, or any part of it, or that convoy was a natural security against those accidents at sea which sometimes compel vessels to enter the ports of another nation.

"A general feeling prevails in this country at the present moment, no doubt, both North and South, that all questions will be amicably settled through the agency of Lord Ashburton's mission. His lordship's frank and candid manner, his great intelligence and practical ability, and the apparent justness and moderation of his views and principles, have conspired to conduct the public mind to this conclusion, and that public mind desires that result, and the country is preparing itself for the state of things which will naturally follow it. But if the negotiation fail, if unexpected obstacles be interposed, if what has been considered quite reasonable and moderate be not attained, if the boundary question be put into another endless series of surveys, explorations, arbitrations, and um-

pirages, if we are left only to understand that our coasting trade through the Bahama Channel can no otherwise enjoy ordinary safety than as we put it under convoy, a mission, the institution of which was hailed as a bright harbinger of the restoration of perfect amity and harmony between the two countries, and in the conduct of which I am sure the best disposition has prevailed, will only have terminated in leaving things much worse than it found them. I hardly see how this bad result is to be prevented, unless we can succeed in beseeching Lord Ashburton to delay his return another month, in the hope that the cloud on his brow may be dissipated by the next communication from home.

"I have marked this letter private, as it is in answer to a private letter of yours; but the substance and effect of it ought, perhaps, to be made known to Lord Aberdeen; notwithstanding that his lordship may receive communications from Lord Ashburton, covering similar accounts of the sentiments entertained here, and the state of things existing.

"I am, dear sir, always faithfully yours,

"D. WEBSTER."

Notwithstanding the arduous duties of this year, Mr. Webster kept up a constant correspondence with his Marshfield agent, in which the treatment of every field, down to the most minute of the operations of farming, was duly directed. Marshfield, in truth, was never absent from his thoughts for many hours, even amidst the greatest affairs of state. To write and to receive letters about what was going on there, was his recreation while absent. Once in the course of this spring he managed to be there for a short time. This purpose he announced in a humorous letter to Mrs. Edward Curtis; and, after he had been there some days, he sent to the same lady that graphic description of the place, which has been heretofore published in his printed correspondence, but which may well be repeated here.

[TO MRS. EDWARD CURTIS, AT NEW YORK.]

(*Private.* ☞ *Be particular.*)

"WASHINGTON, *May* 4, 1842.

"MY DEAR LADY: I must tell you, as one of the secrets of diplomacy, but a secret which all the world, I believe, already knows, that I am to be your way two or three days hence, on a flying visit to Massachusetts. The 'candid public' suppose, doubtless, that I am going to confer with Governor Davis and others on the boundary question, to consult the shipping interest of the North about the right of search, etc., whereas I am really

going for the change, to get away from my table for a few days, see a few friends in New York, as many in Boston, and, as the great object of all, see Seth Peterson, and catch one trout. I shall probably arrive in New York late in the evening, and shall go to the Astor House. The Boston boat not going till evening of the next day, I shall have a long morning. My purpose is to avoid seeing people, and so I shall set out to go to Morrisania, but shall be very likely, nevertheless, to stop at your house, and if you can keep your husband at home we can have a little talk. I will give him notice, if possible, one day previous to my departure. In truth, I am waiting principally for news from Rhode Island.

"I have a number of things to talk over with Mr. Curtis. I believe he will live a thousand years, and triumph over all his enemies.

"My wife is well. The two boys are well. Edward is going to be somebody, if one of the Miss Bayards does not deprive him of intellect. They are beautiful girls; but still, the mother is like the mother of mankind:

"'The fairest of her daughters, Eve;'

see Milton, not Shakespeare. They have all gone to ——, but to return in June.

"But, to resume the thread of my discourse—by-the-way, threads often become long yarns—Caroline is well; her babies are well; and Master Dan is another Judge Story. Mrs. Fletcher is well; the nurse is well; we are all well, down even to my noble collection of cacklers in the poultry yard. But the season advances; summer is coming, according to the almanac, and yet our only warmth is before a good fire. But still, as May is here, and June in sight, we all begin to think of flight! It is merciful in Providence to change the seasons so that men, and even women too, may find some excuse for change also.

"Mrs. Webster talks of New York and Boston; Julia, of Marshfield; Caroline, of Nahant, Newport, Watertown; Fletcher, of staying where he is; Edward, of Marshfield. Adieu, I must close this letter in two and a half minutes or lose the mail. Read Poindexter; such men as 'Curtis and Webster.'

"Yours,

"Daniel Webster."

[To mr. fletcher webster.]

"Marshfield, Saturday Morning, *May* 21, 1842, half-past 4.

"My dear Son: I had a note from you last evening, and am glad all are well at the department. I am recruiting in health and strength very fast, and find it most delightful to be here. Julia and her husband are with me. The weather has been cold and we had a frost last night. The grass is white on the lawn this moment; I fear injury to the fruit.

"Marshfield never looked so well. Peterson and I have talked over politics. He says the fault is in Congress; that Mr. Tyler is not to blame

for being President, and that they ought to take right hold, man fashion, and do up the public business.

"I am going out this morning to wet a line. My chief concern is about your mother's health. Julia wrote her last night, and I shall write to-morrow.

"Show her this. I wish most earnestly she was here; she would soon be well. You mention that she has had recourse to the physicians. I shall be hastening back, if I do not hear of her being better soon.

"Pray show these letters to the President; they prove that Maine is doing well. I have attended to that business thoroughly.

"Yours,

"D. W.

"P. S.—I care nothing for such fellows as G—— D——."

[TO MRS. EDWARD CURTIS.]

(*Two sheets of confidential matter.*)

"MARSHFIELD, *May* 26, 1842.

"DEAR MRS. CURTIS: You are one of those unfortunate persons who have not seen Marshfield. It would be cruel to speak of its beauties, if your fate, in this respect, were irreversible. But as you may, and I trust do, cherish the hope of one day beholding it, I must prepare you for something like an ecstasy. And yet a single sight would hardly produce

that effect. Superficial observers see nothing in Marshfield but rocks, and sands, and desolation; as one uninitiated runs his eye over the picture of an old master, and wonders what folks can see that is pleasing in such a grim and melancholy looking thing. Marshfield is to be studied. Do not come, therefore, without weeks before you. Some may tell you that

its excellence is like transcendentalism, so refined and invisible as to hang on the very verge of nonsense or nonentity. But these are malignant persons and not to be believed.

"And now, from generalities to facts. An old-fashioned two-story house, with piazza (stoop?) all round it, stands on a gentle rising, facing due south, and distant fifty rods from the road, which runs in front. Beyond the road is a ridge of hilly land, not very high, covered with oak wood, running in the same direction as the road, and leaving a little depression, or break, exactly opposite the house, through which the southern breezes fan us of an afternoon. I feel them now coming, not over beds of violets, but over Plymouth Bay, fresh, if not fragrant. A carriage-way leads from the road to the house, not bold and impudent, right up straight to the front door, like the march of a column of soldiers,

but winding over the lower parts of the ground, sheltering itself among trees and hedges, and getting possession at last, more by grace than force, as other achievements are best made. Two other houses are in sight, one a farm-house, cottage-built, at the end of the avenue, so covered up in an orchard as to be hardly visible; the other a little farther off in the same direction, that is, to the left on the road, very neat and pretty, with a beautiful field of grass by its side. Opposite the east window of the east front room stands a noble spreading elm, the admiration of all beholders. Beyond that is the garden sloping to the east, and running down till the tide washes its lower wall. Back of the house are such vulgar things as barns; and on the other side, that is, to the north and northwest, is a fresh-water pond of some extent, with green grass growing down to its margin, and a good walk all round it, on one side the walk passing

through a thick belt of trees, planted by the same hand that now indites this eloquent description. This pond is separated on the east by a causeway from the marshes and the salt water, and over this causeway is the common passage to the northern parts of the farm. I say nothing of orchards, and copses, and clumps, interspersed over the lawn, because such things may be seen in vulgar places. But now comes the climax. From the doors, from the windows, and, still better, from twenty little elevations, all of which are close by, you see the ocean, a mile off, reposing in calm, or terrific in storm, as the case may be. There, you have now Marshfield, and let us recapitulate: 1. The ocean; as to that, when it is mentioned, enough is said. 2. A dry and pure air; not a bog, nor a ditch, nor an infernal gutter, in five miles; not a particle of exhalation but from the ocean and a running New England stream. 3. A walk of a mile, always fit for ladies' feet, when not too wet, through the orchard and the belt. 4. Five miles of excellent hard beach driving on the sea-shore, commencing a mile and a half from the house. 5. A region of pine forest three miles back, dark and piny in appearance and in smell, as you ever witnessed in the remotest interior.

"But I must pause, or I shall diminish too much the list of things which you will see when you come, and which you had not heard of.

"I have been here, dear Mrs. Curtis, eight days, with tolerable weather and enjoying good health. But my family is not here; my wife has been a good deal ill since I left Washington, though I believe she is now quite recovered. I have done fishing and trout-catching; have taken leave of Seth Peterson; the household is pretty much dispersed, except Charles and me, and I go to Boston in the morning, and I have written you this letter, partly that Mr. Curtis might have something to laugh at, and partly to show how good an account may be written of rather a poor subject.

"Say to Mr. Curtis that I believe I shall get through with the Maine affair, which has given me no little trouble, and hope to leave Boston early next week for the South.

"*27th.*—P. S.—At Mr. Paige's.

"I came up this morning and found all well at Mr. Paige's and Julia's, and have a very good letter from my wife. So I feel rather well. I have not told you that Mrs. Paige and her son Willie, and Julia and her two babies, made me a visit at Marshfield. Julia's children are full of ancestral beauty, and she is as handsome as a picture. She is rather thin, which makes her eyes look as large as Juno's, while her complexion indicates perfect health.

"So no more at present.

"Yours truly,

"DANIEL WEBSTER."

On the return of Mr. Webster to Washington, Lord Ashburton's letters of the 13th and 21st of June were communi-

cated to the Maine commissioners, and Mr. Webster heard from them on the 29th.

They were ready, they said, to grant to Great Britain what was necessary or convenient for purposes of communication between her colonies, but nothing to her claim of a right to the disputed territory. Their conviction that the whole belonged to the United States was complete and unshaken. If including within the limits of British territory that portion of the Madawaska settlement which lay to the south of the St. John's was a *sine qua non*, there was an end of negotiation so far as they were concerned. They could not entertain such a proposition. If, by the "upper St. John's," Lord Ashburton meant the western branch, it was out of the question as a boundary above the mouth of the Madawaska, which they contended was the real "upper St. John's." They then proceeded to show, by reference to maps and documents, that the commissioners of 1783 had an accurate knowledge of the line which they were tracing, and clearly set it forth in the treaty, and furthermore that it exactly corresponded with the claims of the State of Maine. They were ready, however, to allow free communication between the British colonies, and with that in view would suggest the following conventional line: The due north line of the treaty, from the source of the St. Croix to the St. John's, continued along the centre of that stream to a point three miles above the mouth of the Madawaska; thence a direct line along this latter stream, leaving the whole valley for the route to Canada, until the outlet of Long Lake was reached; thence westward to the place where the St. Francis empties its waters into Lake Pohenagamook, and thence continuing in the same direct line to the highlands separating the waters which flow into the river Du Loup from those which flow into the St. Francis, and so along these highlands, in accordance with the Treaty of 1783. This furnished free communication to the provinces, and a good natural boundary. As the English envoy had no power to grant them any equivalents, they were not bound to give up any territory; what they gave up by this line was for the sake of conciliation, by granting the desired means of communication. The people of the Madawaska settlement,

they said, could choose their side of the river, but, in case the transfer of territory was made, all grants of land made to them in New Brunswick should be confirmed.[1]

Mr. Webster communicated this paper to Lord Ashburton, with his own comments, on the 8th of July. He said that he was desirous of abstaining from all controversy on the disputed claims, but would say that the feeling was strong and universal that the claims of the United States were in accordance with the Treaty of 1783, and that that instrument was entirely susceptible of a clear construction. The northwest angle of Nova Scotia was to be found in accordance with the treaty by drawing a line from the source of the St. Croix to the highlands, which separated the streams flowing into the river St. Lawrence from the streams flowing into the Atlantic Ocean. Ad-

[1] At the time when the matter was thus getting back into the renewal of the argument on the soundness of the claim of the State of Maine, the weather was intensely hot. The following amusing private notes, from Lord Ashburton to Mr. Webster, are selected from a great number which were continually passing between them:

*Private.*

"*July* 1, 1842.

"My dear Mr. Webster: I must throw myself on your compassion to contrive somehow or other to get me released. I contrive to crawl about in these heats by day and pass my nights in a sleepless fever. In short, I shall positively not outlive this affair, if it is to be much prolonged. I had hoped that these gentlemen from the northeast would be equally averse to this roasting. Could you not press them to come to the point, and say whether we can or cannot agree? I do not see why I should be kept waiting while Maine and Massachusetts settle their accounts with the General Government.

"I am rather apprehensive that there is an inclination *somewhere* to keep this negotiation in suspense on grounds unconnected with the mere difficulties of the case itself. Pray save me from these profound politicians, for my nerves will not stand so much cunning wisdom.

"Ever, my dear sir, yours sincerely,
"A."

"I shall not venture upon a walk through the sun, unless I hear that you have something to tell me.

"You promised to procure for me the Oregon report; if you have it, pray send it me.

"I return you, my dear sir, your letter of the Maine commissioners, in which it is easy enough to perceive the master's hand. These gentlemen take their departure always from the presumption that the whole territory belongs to them, and that they are benevolently giving us a certain portion. I do not well see how a Secretary of State of the United States can repeat such sentiments as his own, but you will best judge in what shape this paper had best reach me.

"I have had this morning a long conversation with Mr. Kavanagh, and I should like to communicate to you what passed. If you are at home this evening, I will call on you. I found him a sensible, liberal man.

"We both agreed that we should do no good in continuing the negotiations with long controversal memorials, and that we must get, by some shorter cut, to ascertain whether we can agree. I cannot say that I quite despair, but my confidence of doing any thing is a good deal shaken. I have personally no objection to any communication with these gentlemen which you approve.

"I like much your cruising convention. The question will come when and where the instructions shall be prepared.

"Yours sincerely,
"A."

Sunday Evening.

"My dear Mr. Webster: Although my answer bears the date of to-morrow, I send it you over night, because I know you are an early riser. Whatever other complaint you may have to make against me, it will not be, I think, from want of diligence.

"As you know that my object, like yours, is peace and settlement, if you see any thing very objectionable in my long paper, pray send it back. If not, pray keep moving with the least possible delay.

"There are some coarse insinuations in Mr. Preble's paper, but I thought it best not to notice them, and keep my temper.

"Yours kindly,
"A.

"I shall probably not call on you, unless I hear from you to-morrow."

mitting the doubt as to which flowed into the Atlantic, it was clear enough that the highlands claimed by America, as those of the treaty, contained the sources of the rivers flowing into the St. Lawrence, and separated them from those flowing in the opposite direction; and, in the absence of other certainties, this controlled all uncertainties. Here was a natural line of separation between two systems of streams, and no third class was alluded to, as those flowing into the Bay of Fundy or the Bay of Chaleurs. He did not doubt Lord Ashburton's motives in accepting the mission, and freely acknowledged his candor, but at the same time he was constrained to say that there were insuperable objections to the line which he had proposed. There could be no great hardship inflicted on the settlers upon the Madawaska by a division of that territory. He argued strongly in favor of natural barriers, so long as they were practicable, but when the stream made a sudden turn, leaving a large extent of territory belonging to the United States on the north, it could no longer be followed. He then proceeded to sketch a boundary conforming to the propositions made by the Maine commissioners. The strip to the north of New Hampshire, Vermont, and New York was of some value, he said, but would be no recompense to Massachusetts and Maine.

Lord Ashburton replied on the 11th of July. He had hoped that the geographical discussion would not be renewed, but had supposed that it was generally conceded to be impossible to follow the terms of the old treaty. It was unfortunate that a disposition was shown to revive old disputes. It seemed to him a new discovery that the Madawaska was the real upper St. John's. The proposed northwest angle of Nova Scotia he did not think so certain, and it did not in fact correspond to the point formerly claimed by the State of Maine, and he believed it to be useless to attempt to find any such point in accordance with the terms of the treaty. He cited several occasions on which it had been admitted to be impossible to conform to the treaty. Under the circumstances of the present negotiations, it was hardly fair to claim that any of the disputed territory belonged indisputably to either party. He thought the commissioners of 1783 were ignorant of the geography of the region, and had designated a line (separating streams, etc.) which could not be

laid down. He regrets the controversy thus begun, and is sorry they are still so far apart. He reiterates his objection to dividing the Madawaska settlement, but intimates a possible concession. The arbitrary line proposed by the Maine commissioners was, however, wholly inadmissible. He speaks of the little value of the land north of the St. John's, and the importance of the navigation of that stream to its mouth. This he considered a full equivalent for the territory. He closes with an expression of his belief that they could conduct the negotiations much better by personal conference.

Three months had thus passed since Lord Ashburton's arrival at Washington, and it now appeared that the Maine commissioners and the English envoy could not agree upon a line. The principal difficulty of the case arose from the fact that, for the concession of territory which Maine was asked to make, Great Britain could give no equivalent that would enure exclusively to that State. In this attitude of the negotiation, Mr. Webster and Lord Ashburton, laying aside for the present the forms of diplomatic intercourse, sat down together in the State Department to consider what could be done. The result of their numerous conferences was, that they agreed how the whole line between the United States and the British Provinces of New Brunswick and Canada ought to be adjusted. They thought it best to run a line through the disputed territory, which would give seven-twelfths of it in quantity to the United States, equal in value to four-fifths of the whole. As the equivalents for the surrender of the residue, to be made by the United States to England, it was determined, first, that the use of the river St. John's should be open for the conveyance, to tide-water, of the timber growing on any of its branches, free from all discriminating tolls, impositions, or inabilities of any kind, the timber to enjoy all the privileges of British colonial timber; second, that Rouse's Point, on Lake Champlain, and the lands which had until this time been supposed to be within the limits of New Hampshire, Vermont, and New York, but which a correct ascertainment of the forty-fifth parallel of latitude, called for by the Treaty of 1783, would throw into Canada, should be surrendered to the United States.

As the privilege of carrying timber down the St. John's was

a concession by England of something lying within the region claimed by the States of Maine and Massachusetts, and as the other cessions by England would enure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States, it became necessary for Mr. Webster to provide an equivalent for Maine and Massachusetts, to compensate them for their consent to establish a part of the boundary west of the St. John's. No mode of effecting this was practicable, excepting for the United States to pay to those States a compensation in money; and this Mr. Webster promptly offered to do. He proposed that the United States should pay them the sum of two hundred and fifty thousand dollars, to be equally divided between them. In this mode, the knot of the difficulty could be cut.

Mr. Webster thereupon, on the 15th of July, addressed a letter to the commissioners of the two States, stating the proposed settlement, and closing as follows:

"The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance, as equivalents of undoubted value are offered, as longer postponement and delay would lead to further inconvenience, and to the incurring of further expenses, and as no better occasion, nor, perhaps, any other occasion, for settling the boundary by agreement, and on the principle of equivalents, is ever likely to present itself, the Government of the United States hopes that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.

"The President has felt the deepest anxiety for an amicable settlement of the question, in a manner honorable to the country, and such as should preserve the rights and interests of the States concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful toward the States, and the most useful to their interests, as well as the most becoming to the character and dignity of the Government. He will be happy if the result shall be such as shall satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, and with the conviction that no more advantageous arrangement can be made, the subject is now referred to the grave deliberation of the commissioners."

The commissioners of the two States finally assented to this arrangement, and thus the obstacles to the settlement of the

Northeastern Boundary were removed. Mr. Webster and Lord Ashburton then proceeded to adjust the boundary through Lakes Huron and Superior to the Lake of the Woods, and to digest the whole settlement into articles for the treaty. But when the fifth article, as the treaty now stands, was submitted to Lord Ashburton, reciting the stipulation for the payment of money by the United States to the States of Maine and Massachusetts, he presented an objection to it in a private note to Mr. Webster.

[FROM LORD ASHBURTON.]

"Tuesday Night.

"MY DEAR MR. WEBSTER: I have read through your very able *Creolian*, and have derived much information and no little amusement from it. I will send you my answer to-morrow, which I shall endeavor to make conciliatory, and, if possible, short.

"But, my dear sir, my rest is disturbed by your money clause in our treaty, from which you must somehow contrive to relieve it. I cannot with any propriety be a party to an agreement that the United States shall pay money to the States of Maine and Massachusetts. This must, it seems to me, be done by a statement to Congress, of the existence of such an arrangement, with which it would be most impertinent that Great Britain should interfere. I certainly knew that there was to be a payment, but until yesterday I had no idea that this was to make any part of the treaty with us. Further, I foresee endless difficulties and delays from this ill-contrived arrangement. The treaty must pass the lower as well as upper House, and what would require only a few days may be prolonged for as many months. One M. C. to whom this secret was known told me that it might not be of importance with respect to amount, but that a great constitutional question was involved, viz., the question of Jay's treaty over again. I am sure this course will involve us in difficulties, setting aside the consideration that there is really an absurdity in putting into a treaty with us your bargain with the States. I must, my dear sir, beg you will make some other arrangement for these payments. "Yours ever,

"A."

Mr. Webster, however, satisfied Lord Ashburton that the article ought to stand; that it would be for the Senate to ratify the treaty, and for the two Houses of Congress to make the necessary appropriations for carrying it into effect. But, in order that no responsibility might appear to be incurred by Great Britain for the payment of the stipulated sum, formal diplomatic notes were interchanged, explaining that this article contained nothing that could be so construed.[1] These transac-

[1] Works, vi., 289.

tions relating to the boundary were concluded just before the 9th of August.

The Treaty of Washington embraces two other subjects. One of these relates to the suppression of the slave-trade on the coast of Africa. What was at first called the right of search, and afterward came to be denominated the right of visit, was a claim on the part of Great Britain to detain vessels sailing under the American flag in order to examine their papers, and to ascertain whether they were entitled to wear that flag. If they were, it was admitted that a British cruiser could not interfere further, because no treaty existed between the United States and Great Britain for the suppression of the slave-trade by mutual search and seizure of each other's vessels. The American flag was fraudulently used to a great extent by the subjects of other powers, in order to cover the slave-trade; and it appeared to the English Government that what they called the right of search, or of visit, was necessary to its suppression, and ought to be conceded by the United States. But, at all events, it was claimed as a right; and a long correspondence on the subject was carried on between Mr. Stevenson and Lord Palmerston, and was continued with Lord Aberdeen down to the time when Mr. Stevenson left England; the United States denying the existence of any such right in time of peace, and refusing to concede it.

Mr. Webster entertained the opinion from the first that this was the wrong mode in which to arrive at the desired end.[1] He

[1] Writing to Mr. Everett under date of April 26, 1842, Mr. Webster said:

[To Mr. Everett.]

"Washington, *April* 26, 1842.

"My dear Sir: General Cass and Mr. Wheaton have nearly overwhelmed us with their letters and pamphlets on the subject of visit and search. I must say, between ourselves, that General Cass's pamphlet, however distinguished for ardent American feeling, is, nevertheless, as a piece of law logic, quite inconclusive. I think, as might be said of other compositions on the same subject, that it contains passages which yield all that is contended for on the other side.

"Quite a breeze seems to have been excited in Paris and on the Continent generally, in regard to the Quintuple Treaty, and the probability of our accession to it. Here we are calm, and intend to fulfil our duties, without entering into any of these questions. Our position in respect to these maritime questions is peculiar. Hitherto, we have been on the side of the neutral and the minor naval powers, always most forward in contending for the freedom of the seas, in the utmost latitude of that freedom. But, we are in the process of change. We are no longer a minor commercial power, nor do we know that we have any particular exemption from war, if war should again break out. We see no necessity, then, of being in haste to do that which our political men sometimes call 'defining our position.' To avoid all this, and to escape the necessity of mingling ourselves, at present, in the discussions now so rife in Europe, I have proposed to Lord Ashburton to come to an agreement, that England and the United States shall maintain, for a limited time, each an independent squadron on the coast of Africa, comprising such a number of vessels and of such force as may be agreed on, with instructions to their commanders respectively to act in concert so far as may be necessary, in order that no slave-ship, under whatever flag she may sail, shall be free from visitation and search. This is our project. Lord Ashburton, so far, appears

therefore proposed to Lord Ashburton what the latter called his "cruising convention," which was intended to render unnecessary any assertion or denial of the claim.[1] This was to consist of a stipulation in the treaty that each Government should keep a squadron on the coast of Africa, to enforce separately and respectively its own laws against the slave-trade, but in mutual coöperation. It stands as the eighth article of the treaty. The part relating to the interchange of orders appears to have been suggested by Lord Ashburton, in the following private note:

"My dear Mr. Webster: As my correspondence with my masters must be made up this evening, I should have made you a visit this morning if I were not waiting for one from Mr. Lawrence which I am every moment expecting. When he leaves me I hope you will permit me to call on you, for a few last words. You will recollect your promise to let me have our cruising treaty as corrected, which should, I think, contain a promise to concert and to intercommunicate instructions to our officers in command. This will save entering upon a wide field of detail in the treaty itself.

"Can any thing be done about extradition?

"Your servant,

"Ashburton.

"Pray give yourself no further trouble, in answering this, than to say when and where I may call on you."

The other subject covered by the treaty was the extradition of fugitives charged with the commission of certain crimes; a provision which grew out of the case of the Creole. In consequence of the fact that the mutineers and murderers who carried this vessel into the port of Nassau were slaves, a misapprehension arose in England respecting the ground on which they had been demanded by the American consul; while at the same time, in our Southern States, great sensitiveness was felt under the operation of that principle of the English law which did not permit the relation of master and slave to be

to think well of it, and probably will write to Lord Aberdeen, in regard to it, by this conveyance.

"I should like to know your opinion of it; but have most particularly to request that you will keep it to yourself, except so far as Lord Aberdeen may wish to speak of it with you. I do not desire that this purpose should be known across the Channel at present. I have thought it a more manly and elevated proceeding, on our part, to make provision in this way to execute our laws, than to ask another power to do that for us, and to that end to make visits of American vessels, or vessels appearing to be such, necessary. An arrangement of this kind will, I think, be acceptable here, and I trust will prove effectual. If it should so prove, we shall not only have fulfilled our duty, as created by the Treaty of Ghent, toward England, but shall also have accomplished an object greatly desired by the Government and people of this country."

[1] See *post*, chapter xxix.

enforced or recognized on British soil. Our Government was pressed, by representatives of the Southern interest, to make this case the occasion for some provision which would enable the owners of slaves to require their extradition. It has already been seen that Mr. Webster, in his correspondence with Mr. Everett, pointedly and emphatically disclaimed the idea that the passengers of the Creole had been demanded as *slaves*, and that he made it known in the most unequivocal manner that they had been demanded as *mutineers* and *murderers*. The occurrence itself suggested to Mr. Webster the importance of a treaty stipulation for the international extradition of persons charged with crime; and it was on this that he insisted in his letters to Mr. Everett already quoted.

When the case of the Creole came, however, to be considered between Lord Ashburton and Mr. Webster, it was found to be very difficult to handle it, in consequence of the jealousy of the English Government lest something should creep in to impair the principle of their law which refuses to recognize the relation of master and slave. Lord Ashburton at once made known his inability to make any concession on that point; and Mr. Webster, on his part, was fully agreed that there might be a separate stipulation by treaty to comprehend only fugitives charged with crime. The following private note, without date, from Lord Ashburton, relates to this part of the subject:

"Dear Sir: I shall be glad to see Mr. Calhoun to-morrow morning at the hour he mentions, and I wish I knew any thing very satisfactory to suggest or propose in the matter of the Creole, which ends in being my greatest difficulty; but I will see what may be done.

"I fear that Mr. Legaré's proposal will not answer. It leaves open the whole of the difficulty on my side. I apprehend we shall make nothing of any article for this purpose, and that what is done must be done by letter.

"I have had my interview with the gentlemen of Maine, and I incline to think they will consent to our line. I explained that I was at the end of *my* line, and that they must therefore say yes or no. I also pressed an early answer through you, which I believe you will receive this evening or to-morrow.

"Your servant,

"Ashburton."

The result of their personal conferences was, that every thing was excluded from the treaty which could bind Great

Britain to the extradition of persons escaping from American vessels, on the ground that they were claimed as slaves; that the case of the Creole, so far as it was a case of slaves escaping from an American vessel in a British colonial port, should be dealt with by a separate correspondence; and that the treaty itself should contain ample provision for the mutual surrender of persons charged with certain enumerated crimes. This provision became the tenth article of the treaty. It introduced into the relations of nations a new feature, which has since been followed by many enlightened states. This great advance in civilization is due entirely to Mr. Webster's forecast, and to the perseverance with which he eliminated from the case of the Creole the question which could be made the subject of a treaty with Great Britain.

The various topics intended to be embraced by the Treaty of Washington being concluded, it was signed on the 9th day of August, 1842. Before that day arrived, the subject of impressment and the cases of the Caroline and the Creole, not intended to be embraced by the treaty, were considered and disposed of. In reference to the case of the Caroline, Mr. Webster's great object was to obtain an admission of the principle which makes national territory inviolable. This admission was frankly given by Lord Ashburton. In the formal correspondence on this subject, conducted on the 27th and 28th of July and the 6th of August, are to be found the rules of public law which determine the exceptions growing out of the law of self-defence, that will excuse a momentary invasion of the territory of a friendly nation in cases which admit of no other choice of means, where the necessity is overwhelming, and where there is no time for deliberation. To the law, as laid down on this subject by Mr. Webster, the English envoy entirely assented, and the precedent, which is to govern such cases, was established.[1]

The closing official correspondence, in reference to the case of the Creole and to the maritime rights asserted by this coun-

[1] Works, vi., 292–303. Lord Ashburton's letter of July 28th, in relation to the affair of the Caroline, contains this sentence: "Looking back to what passed, at this distance of time, what is, perhaps, most to be regretted is, that some explanation or *apology* for this occurrence was not immediately made," etc. Mr. Webster afterward said that it took him two days to get Lord Ashburton to consent to use this word.

try, was preceded by a private conference, in which it was settled what that correspondence should be. The following private note touches the difficulty involved in the case:

"Sunday.

"My dear Mr. Webster: I believe we must have a talk on the subject of the Creole. I am not very fond of an argument, and would certainly not create unnecessary difficulties by indulging in it. But you sent me a long argument, and you referred me to a still longer argument in your letter to Mr. Everett. I think you will see that it would not have been over decent in me to pass all this by without any notice; and I thought I had made as conciliatory an argument as the case would admit. I am far from wishing to make mischief, and increase difficulties, and I will readily confer with you for this purpose; but you are pretty well aware how far I can go, and that I cannot say much that would be effectual toward the protection of a vessel with slaves within any harbor of our colonies. I will, however, consider the subject between this and to-morrow morning; and will call on you, if you will permit me, immediately after breakfast.

"Your servant,

"Ashburton.

"You omitted sending me one of the sheets of my letter.

"I have just received your second note. I will try what I can make of your second suggestion, and will call on you after breakfast."

The principle for which Mr. Webster contended was not that slaves, escaping from an American vessel in a British port, and landing on British territory, should not be considered as free, or that they should be recaptured, and returned by the local authorities. But he claimed that, when an American vessel, driven by stress of weather, or carried by unlawful force, is found in a British port with slaves on board, the local authorities shall not enter the vessel for the purpose of interfering with the condition of persons or things on board, as established by the law of the vessel's own country; that the vessel brings with it, under the comity of nations, the law of its own country, which regulates the relations of persons on board; that, so long as they are water-borne, and do not violate any law of the territorial jurisdiction, they are not to be considered as within that jurisdiction; and that the vessels are entitled to all the rights of hospitality, and to permission to depart unmolested. These were the points covered by Mr. Webster in his argument addressed to Lord Ashburton on the 1st of

August. On account of the delicacy of the subject, and his want of specific instructions, Lord Ashburton, in reply, on the 6th of August, intimated that this topic must be reserved for further discussion in London; giving the assurance, however, that there should be no "officious interference with American vessels driven by accident or violence into British ports, that the laws and duties of hospitality should be executed, and that these neither justified nor required any further inquisition into the state of persons or things on board than might be indispensable to enforce the observance of the municipal law, and the proper regulation of the harbors and waters."[1] With this assurance, the further discussion of the subject was for the present waived by Mr. Webster.[2]

On the subject of impressment, Mr. Webster, on the 8th of August, addressed a letter to Lord Ashburton, reviewing and restating the grounds on which it ought to be abandoned by England, and on which it could no longer be submitted to by this country, and making the announcement that, in future, "in every regularly-documented American merchant-vessel, the crew who navigate it will find their protection in the flag which is over them. This announcement," he said, "is not made, my lord, to revive useless recollections of the past, nor to stir the embers from fires which have been, in a great degree, smothered by many years of peace. Far otherwise. Its purpose is to extinguish those fires effectually before new incidents arise to fan them into flame. The communication is in the spirit of peace, and for the sake of peace, and springs from a deep and conscientious conviction that high interests of both nations require this so long contested and controverted subject now to be finally put to rest. I persuade myself that you will do justice to this frank and sincere avowal of motives, and that you will communicate your sentiments in this respect to your Government."

Lord Ashburton replied on the 9th of August, and, after

[1] President Tyler, who saw Lord Ashburton's letter of the 1st of August before it was formally delivered, desired that the expression, "to enforce the municipal law of the colony," might be changed so as to read, "their system of police." But neither Mr. Webster nor Lord Ashburton deemed it necessary to make the alteration, and the President did not insist upon it. Indeed, he was throughout disposed to acquiesce in Mr. Webster's views.

[2] See the correspondence, Works, vi., 303–318.

stating the differences between the laws of the two countries on the subject of perpetual allegiance, he said that "the very anomalous condition of the two countries with relation to each other here creates a serious difficulty. Our people are not distinguishable; and, owing to the peculiar habits of our sailors, our vessels are very generally manned from a common stock. It is difficult, under these circumstances, to execute laws which, at times, have been thought to be essential for the existence of the country, without risk of injury to others. The extent and importance of those injuries, however, are so formidable, that it is admitted that some remedy should, if possible, be applied; at all events, it must be fairly and honestly attempted. It is true that, during the continuance of peace, no practical grievance can arise; but, it is also true that, it is for that reason the proper season for the calm and deliberate consideration of an important subject. I have much reason to hope that a satisfactory arrangement respecting it may be made, so as to set at rest all apprehension and anxiety; and I will only further repeat the assurance of the sincere disposition of my Government favorably to consider all matters having for their object the promoting and maintaining undisturbed kind and friendly feelings with the United States. I beg, sir, on this occasion of closing the correspondence with you connected with my mission, to express the satisfaction I feel at its successful termination, and to assure you of my high consideration and personal esteem and regard."

Thus ended a negotiation which not only averted a war on account of differences of great magnitude, some of which had been of long standing, while others, of a more recent origin, had introduced new irritations of national feeling, but which also, for all future time, set an example in regard to the temper and the spirit in which such controversies should be conducted between England and the United States. In this respect, the service rendered by Lord Ashburton and Mr. Webster to their respective countries, and to the world, is of incalculable importance. Each was alike firm and true to the interests and honor of the country whose interests and honor were confided to him; but the happy result of this negotiation is due chiefly to the fact that each could appreciate and understand what the

interests and honor of the opposite country in truth required, as well as what was required by the demands and expectations of his own.[1] There was, moreover, a high-bred courtesy in all that was written officially on both sides; and, at the same time, there was an entirely full and confidential private intercourse which smoothed the way for the adjustment of many difficulties. Mr. Webster's personal authority on subjects of international law, and his power of stating its principles, were doubtless felt by the British negotiator, for they were more than once frankly acknowledged. But the proof that Mr. Webster, in laying down the principles with which he had to deal, was speaking in the interest of truth and of the welfare of mankind far more than in the spirit of an advocate, is to be found in this, that no enlightened jurist of any country will now say that he pressed a single point of law to conclusions which the world has not been ready to accept. Of the skill with which the negotiators made a boundary between the possessions of the two countries, in circumstances of extraordinary difficulty and embarrassment, the subsequent preservation of peace along that frontier is the most satisfactory evidence. The wisdom of the negotiators is justified by the fruits it has borne.

Mr. Webster's labors as Secretary of State during the year 1842 were not confined to the negotiations with England. In the early part of this year he had occasion to consider and to settle the proper construction of the treaty between the United States and Portugal respecting the duties on Portuguese wines. In his correspondence with the Portuguese minister on this subject is to be found the meaning of that class of treaty provisions which stipulate that no other or higher duties shall be imposed on the productions of the country with which the treaty is made than are imposed on the like article being the

[1] Since the text was written, I have received a note from Sir Henry Bulwer, who, at a later period, represented England in many negotiations with Mr. Webster, and who thus speaks of him: "It seems superfluous to add any testimony of mine to the general appreciation of his great ability. But I often say that I have met only two men in the course of my public career whose opinions, in conducting business with them, invariably struck me as sound and just. Mr. Webster was one of these men; and his calm and comprehensive wisdom rose above all controversy—conciliating and convincing. In treating with him concerning the relation between our two countries, I always felt that the honor of mine was safe in his hands, and I venture to think that he was equally sure of my respect for himself and for the powerful state which he represented. Between us there could not have been a difference."

production of any other country.[1] At about the same period, he conducted a long correspondence with the minister of the United States in Mexico, in relation to the capture and imprisonment by Mexican authorities of certain American citizens, who formed part of what purported to be a trading expedition from Texas to Santa Fé, within the dominion of Mexico.[2] Somewhat later occurred the correspondence in which he had occasion to vindicate the course of the United States in regard to the independence of Texas against the complaints of M. de Bocanegra, the Mexican Secretary of State. The nature and extent of the duties of neutrality, where war exists between a revolted province and the parent state, and the rightfulness of an acknowledgment by other nations of the independence of such revolted province, are the topics of permanent interest treated by Mr. Webster in his letter to M. de Bocanegra. It also embraces a grave and weighty rebuke of the Mexican functionary, drawn forth by his imputation of want of good faith on the part of the United States.[3]

It was in the spring of this year, also, that the domestic troubles in Rhode Island brought about the necessity for an interference by the President of the United States, so far as such an interference is authorized by the Federal Constitution. On Mr. Webster devolved the responsibility of advising President Tyler respecting the course to be pursued. An official letter, signed by the President, was addressed to the Governor of Rhode Island, making known the purpose of the Executive Government of the United States to maintain the existing constitution and laws of the State until regularly changed, and that, if necessary for this purpose, the President would call out the militia. Soon afterward Mr. Webster wrote the following private letter to an eminent citizen of Rhode Island:

[To the Hon. John Whipple.]

(*Private and Confidential.*)

"Washington, *May* 9, 1842.

"My dear Sir: You will see the President's letter to Governor King, transmitted through Messrs. Randolph and Potter.

"If there could be any doubt before, there can certainly be none now,

[1] Works, vi., 413, *et seq.* [2] Works, vi., 422, *et seq.* [3] Works, vi., 136, *et seq.*

that the Government of the United States pledges itself to maintain the existing constitution and laws till regularly changed. This clear and unequivocal manifestation places Governor King and the Legislature on such commanding ground that they may now, I think, with great propriety commence the agreeable duty of conciliation, especially as I do not understand that any one of the functionaries of the new constitution is actually exercising the powers of office, that any force threatens the lawful government, or that assemblies of men with hostile purposes anywhere exist.

"My opinion therefore is very clear, that no more arrests should be made; that perhaps existing prosecutions had better be discontinued, and that the Assembly, at its June session, should call a convention to amend the constitution.

"Thus far the law has been asserted, and all must now see that resistance is vain and useless, while there are a good many proud spirits who might be driven to extremities by measures calculated to degrade and dishonor them, but who would, nevertheless, be glad of a fair chance of honorable retreat.

"Many misguided men are, after all, doubtless of such respectable characters, and possess such respectable connections, that it would be painful to see them subjected to unnecessary mortification, since parties on both sides are made up of neighbors, family friends, and those who maintain kind social relations with one another.

"This recommendation proceeds, of course, upon the ground that the officers, elected under the new constitution, entirely abstain from exercising any authority by virtue of their supposed offices; but, if they do so abstain, I am quite anxious that conciliation and peace should be sought by the measures above recommended.

"I am, dear sir, yours, with regard,

"DANIEL WEBSTER.

"N. B.—I shall arrive in New York on Thursday evening, and be in that city Friday forenoon; if any friends choose to see me there, I shall be able to state more fully what we think here. I shall see the President both to-day and to-morrow."

And now I am pained to say that, during all the laborious and responsible duties of this arduous period, Mr. Webster was annoyed, and in no small degree made unhappy, by the conduct of men from whom he had every right to expect the utmost forbearance, and the most careful consideration of the difficulties of his position. He possessed, as I have already said, the entire confidence of the President, and on that side he met with no embarrassment whatever in any of his efforts to terminate the disputes with England. But with a portion

of the party which had placed both him and the President in the places they occupied it was quite otherwise. The question of the propriety of his remaining in Mr. Tyler's Cabinet still continued to be agitated by Whig presses, and to be fomented by Whig leaders. For more than a year this miserable controversy was rife throughout the country, and in Massachusetts it was leading to an alienation from Mr. Webster of persons who should have given him every support.

In this unnecessary controversy was laid the foundation of a state of things which exhibited in subsequent years a great abatement of Mr. Webster's influence in that quarter of the country. Writing to Mr. Everett in May of this year, he said: "I wish I could say a cheering word in relation to the general state of our political affairs. But nothing can be worse. I cannot trust myself to speak of men and things, even in a private letter, as I think of them. Our system of self-government is now undergoing an experiment, which amounts to torture. Party and personal rancor, recklessness and animosity, seem to make havoc of all just principles, all practical expediency, and all really patriotic feeling. I hope for better times, but the present darkness is thick and palpable."

So it went on through this whole summer, presenting to this great public servant the prospect that any treaty which he might make would have to undergo the ordeal not only of political opponents, but of alienated political friends. This, however, was not the worst feature of this condition of party feeling among the Whigs. Spreading down to the baser sort, who thought to recommend themselves in high quarters by detraction of Mr. Webster, the rancor of the times engendered the most atrocious personal calumnies. Some of them were of a nature that rendered it very doubtful whether it was more fit to notice them or to be silent. Some of them, which were specific, could be traced to their authors, and some of them were of the impalpable and irresponsible voice of general slander. One of them, originating in the February previous, was so coarse and so cruel, that it drew from one of the best men in the nation—a man of strong religious feeling and principle—the following suggestions of a consolation that is only to be found in a religious source:

[FROM THE HON. THEODORE FRELINGHUYSEN.]

"NEW YORK, *February* 11, 1842.

"MY DEAR SIR: I write to sympathize with your outraged feelings, in the atrocious calumny that has vainly assailed your reputation. It evinces a reach of malignancy that I could hardly have believed it possible to find in our country; but there is a breaking forth of evil in the midst of us, and all over the land, that makes me tremble for our dearest interests. What will become of us if God do not interpose and arrest this lawless and impious daring and violence? My honored friend, this recent blow at your good name is an impressive lesson of what this world is worth —what it is 'to trust in man and make flesh our arm.' I pray God that your heart may rightly improve it in this respect. You have thirsted for the world's good-will too ardently, I fear, and God now shows you how frail and unworthy of your confidence it is. And what can it do for us in a dying hour? What can it avail us at the judgment-seat? We shall meet then, my dear sir—oh let it be to rejoice together in the redeeming grace of Him that loved us and washed us from our sins in His own blood. I know you will not charge this note to any but the kindest feelings of sincere and anxious solicitude for your eternal welfare. Death has lately been among my friends with sudden visitations, and my mind feels something of the solemnity that should impress us at all times, and, under this feeling, I have written as the heart prompted; and, with best wishes and prayers,

"Remain very truly yours,

"THEO. FRELINGHUYSEN.

"The Hon. Daniel Webster."

# CHAPTER XXIX.

## 1842–1843.

WHIG OPPOSITION TO MR. WEBSTER'S CONTINUANCE IN THE CABINET—VISIT TO MARSHFIELD IN AUGUST—NOMINATION OF MR. CLAY FOR THE PRESIDENCY, BY THE WHIGS OF MASSACHUSETTS—COVERT ATTACK ON MR. WEBSTER—VINDICATES HIMSELF IN FANEUIL HALL—RETURNS TO WASHINGTON—DEPARTURE OF LORD ASHBURTON—RECEPTION OF THE TREATY OF WASHINGTON IN ENGLAND—MISUNDERSTANDING ABOUT THE RIGHT OF SEARCH—THE TREATY IN PARLIAMENT—VOTE OF THANKS TO LORD ASHBURTON—DISPOSAL OF THE RIGHT OF SEARCH—THE FRANKLIN MAP—THE OREGON BOUNDARY—A SPECIAL MISSION TO ENGLAND CONSIDERED—MR. EVERETT DECLINES THE MISSION TO CHINA—ORIGIN AND PLAN OF THE CHINESE MISSION—RECEPTION OF THE TREATY OF WASHINGTON ON THE CONTINENT OF EUROPE—DISSATISFACTION OF GENERAL CASS—HIS COURSE IN REGARD TO THE TREATY, AND THE RIGHT OF SEARCH—OFFICIAL REBUKE—PRIVATE CORRESPONDENCE BETWEEN GENERAL CASS AND MR. WEBSTER—SURVEY OF THE NORTHEASTERN BOUNDARY.

THE Treaty of Washington had scarcely been signed—indeed, it had not been signed—when the clamor for Mr. Webster's resignation broke forth anew, on the part of a portion of the Whig press. The ostensible reason assigned for this demand was what were called his "disparaging connections;" meaning his official connections with President Tyler. A party newspaper published in Boston, and accounted the organ of the Whigs in that region, was foremost in this movement, the design of which was to in

duce Mr. Webster to leave the Cabinet, under the fear that he would do himself a permanent political injury if he remained longer. Now that the difficulties with England were settled, it was said, he could have no reason for not obeying the voice of his party. These considerations, to some extent, influenced persons who were among his earliest friends, and whose positions gave a degree of importance to their opinions. As a representative of this class, I may quote the following letter from Mr. Abbott Lawrence, written before the treaty was signed, and advising an immediate resignation:

[FROM MR. ABBOTT LAWRENCE.]

"WASHINGTON, *July* 30, 1842.

"MY DEAR SIR: Since the conversation I had with you upon the subject of your retaining, till the autumn, the 'seals of office,' I have deliberately considered the consequences that would result to yourself, of delay in this delicate matter—every man should be the judge of his own personal honor—and nothing could have induced me to express an opinion to you, upon a question of so much delicacy, if you had not invited me to do so.

"I shall, therefore, without stating the reasons that operate upon my mind, recommend to you, after our treaty shall have been signed, to give notice at once, to the President, that you wish to retire at the termination of the present session of Congress. I feel quite sure you will never retire with so much honor to yourself, as at the present moment. You have achieved all that was expected of you by the country—and your *real* friends, I think, will unanimously agree with me that *now* is the *accepted* time to quit, with honor, your present *responsible* but *disagreeable* position. I pray you to believe that I am now, as I have always been, your sincere friend and obedient servant,

"ABBOTT LAWRENCE.

"Hon. D. Webster, President Square."

What the question of Mr. Webster's remaining in the Cabinet involved for the country, aside from the wishes of any portion of his party, must now be considered. In making a boundary by agreeing on a conventional line, Mr. Webster and Lord Ashburton of course did not undertake to satisfy each other of the correctness of the claims of their respective countries by an examination of the maps extant at the time of settling the preliminaries to the Treaty of 1783. As their object was to divide the disputed territory by an exchange of fair equivalents, and to make a line that would be convenient for both countries,

they in fact made but little use of any of the ancient maps. But it so happened that, after the treaty had been signed, it became known that, during the negotiations, Mr. Webster was in possession of a copy of a map found in Paris by Mr. Sparks, which was supposed to indicate the line agreed upon by the plenipotentiaries in 1782; and, as he did not exhibit it to Lord Ashburton, or make any other use of it in the negotiation, his course in this respect was criticised at home and abroad, but upon very different grounds, until the facts became correctly known.

The history of this map is as follows:

Mr. Sparks, in making some researches during the winter of 1842, in the *Archives des Affaires Étrangères* at Paris, found an original letter of Dr. Franklin to the Comte de Vergennes, which was in these words:

"PASSY, *December* 6, 1782.

"SIR: I have the honor of returning herewith the map your excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled by the preliminaries between the British and American plenipotentiaries.

"With great respect, I am, etc.,

"B. FRANKLIN."

Further researches with the aid of the curator enabled Mr. Sparks to find a map of North America, by D'Anville, 1746, with the boundary marked as indicated in Dr. Franklin's note, drawn in red, apparently with a hair-pencil or a very blunt pen. The whole map was only eighteen inches square, and the line was drawn completely around the United States, *in supposed accordance with the treaty*, and even running twenty leagues out at sea, parallel with the coast, from the mouth of the St. Mary's River in Florida, to that of the St. Croix in Maine. On the original map of D'Anville, the forty-fifth parallel of latitude was placed below the red line, which turned westward before it reached the parallel as it was engraved on the map, thus giving the United States more than the treaty gave. Along the northeastern limit of the country this line passed quite to the south of the St. John's, conforming very nearly to the boundary claimed by Great Britain, but allowing her rather more than her claim.

The message of the President of the United States, bearing date August 11, 1842, and submitting the treaty to the Senate for its approval, was written by Mr. Webster. It gave an account of the mode in which the boundary had been adjusted, and of the other subjects embraced in the treaty, and was accompanied by the correspondence, copies of which it communicated. When it was sent to the Senate, Mr. Webster placed in the hands of Mr. Rives, chairman of the Senate Committee on Foreign Relations, the supposed Franklin map which Mr. Webster had received from Mr. Sparks. His purpose in doing so was that the Senate might have before it, confidentially, the means of considering how far that map had a bearing on the American claim to the disputed territory, and with what expediency the present treaty could be rejected, and a new attempt at arbitration entered upon, while this map was in the archives at Paris, as accessible to the British Government as it had been to us. This was the only importance that Mr. Webster attached to it. He did not consider any of the maps, supposed to have been used by the plenipotentiaries of 1782, as affording satisfactory proof of the line which they intended to describe, and he regarded this supposed Franklin map in no other light than as a piece of evidence capable of being used to prolong the dispute and darken the controversy.

The treaty was referred in the Senate to the Committee on Foreign Relations, who reported it back without amendment on the 15th of August, and the debate upon it began in secret session on the 17th.

The debate was opened by Mr. Rives, chairman of the Committee on Foreign Relations, who spoke at considerable length in favor of ratifying the treaty. After stating the several objects of its stipulations, he entered into a detailed account of the boundary dispute—which had originated, he alleged, in the ignorance of the geography of the country on the part of the commissioners—and in the various attempts which had been made to settle it. He believed the claim of the United States to be well founded, but the idea of a clear and incontestable right had been ignored on several important occasions, and even General Jackson had shown a disposition to settle the matter by compromise. The arts of arbitration and reference he declared had been exhausted, and it was useless to try them again; and, besides, there was great danger that our case would be weakened by new evidence. Here he introduced the subject of the Franklin map, and

said that, if the matter were to go to a reference again, this might be insisted on as evidence to the damage of the American claim. He then proceeded to compare the boundary obtained by the treaty with the boundary proposed by previous awards, and found it a great improvement, besides being accompanied by valuable concessions, of which the navigation of the St. John's was an important one. In speaking of the slave-trade, he declared that a double object had been attained, by stipulating to aid in the suppression of that traffic, and at the same time preserving our commerce inviolate from the right of search. He explained and defended the article respecting fugitives from justice, and discussed at some length the correspondence relating to the cases of the Caroline and the Creole, and the subject of impressment, all of which had been satisfactorily treated. He regarded the language of Lord Ashburton as abandoning the "odious pretension" of impressment, and in strong contrast with the language of the English on the subject heretofore. He closed with a consideration of the importance of cordial relations between the two countries.

Mr. Woodbury entered into a defence of the old claims of the United States, and endeavored to show, by reference to numerous maps and historical memoirs, that the boundary between the colonies was well known long before the Treaty of 1783, and that the commissioners then did not propose to change it. The map referred to by Dr. Franklin must have been Mitchell's, which was well known and authoritative at the time. Between the years 1763 and 1783, thirty maps had been published by Englishmen, giving the boundary as claimed by the United States, and Dr. Franklin himself had said, in a private letter, that they had not departed from the old line.

Mr. Benton made an elaborate and violent attack upon every stipulation of the treaty, and every part of the negotiation and correspondence. He condemned them equally for what was done and what was left undone. His principal objections to the whole transaction were: 1. That there had been but one negotiator, and he from an interested State. 2. That the negotiation was not conducted on a basis of absolute right, but as a matter of bargain and sale. 3. and 4. That no protocols, notes, or minutes of the conferences, had been kept, and consequently obscurity rested upon the origin and progress of the different propositions. 5. That the American negotiator had taken upon himself to act for the British envoy, presenting the British claims as American, and pressing British arguments upon Maine, "victimizing that deserted and doomed State." 6. That incongruous matters had been mixed in the same treaty. 7. That ratification had been forestalled by private consultations with Senators. 8. and 9. "The solemn and mysterious humbuggery by which Dr. Franklin had been made to play a part in ravishing this ratification from our alarms, and screening the negotiator from responsibility for his gratuitous sacrifices," and the "awful apparition of the disinterred map," shown to alarm Senators into ratification. He discussed all these general objections

at length, and took up all the different parts of the negotiation in detail, and could find no redeeming merit in any of them.

On the boundary question he made out twelve important sacrifices by America to six insignificant concessions by the British. With regard to the provisions relating to the slave-trade, he declared that "a more ignominious purchase of exemption from outrage never disgraced the annals of an independent nation." He said that it would lead to entanglements and difficulties with all the nations trading on the coast of Africa. It was, he said, a British proposition, though Mr. Webster appeared as the "sole mover and conductor." The provision regarding the surrender of fugitives from justice received a large measure of his indignation, and he declared that it was intended to give Great Britain a right to demand all fugitives and emigrants, by accusing them of crimes, while it was worth nothing to us on the main points of forgers and slaves.

Mr. Benton then proceeded to take up and discuss the sins of omission which related to the Columbia River dispute; the subject of impressment; the outrage on the Caroline; and the liberation of American slaves, all of which, he said, ought to have been put finally at rest, and in each case according to the extreme claims of the Americans. He condemned Mr. Webster in unmeasured terms for not taking a high and unyielding tone on all these matters, and insisting on a final settlement. He was peculiarly severe on the correspondence in the Creole case. Mr. Webster, he said, had laid down the law correctly, but it was all talk, nothing was done. Lord Ashburton had engaged only for the *suaviter in modo*, while the *fortiter in re* remained as it was. It was "solemn bamboozlement" to repeat this engagement to the Senate and ask them to be satisfied with it. It was "a contrivance suggested by our Secretary to cover his desertion of the South."

Only the bare outline of Mr. Benton's voluminous attack on the negotiation is here suggested, a negotiation which he repeatedly characterized as "one of shame and injury."

Mr. Conrad, of Louisiana, gave his reasons for opposing the ratification. He did not believe in any compromises on the boundary question. The important case of the Caroline had been narrowed down to a matter of etiquette, and the Creole case, which involved "principles vital to the institutions and safety of the country," and the settlement of which should have been a *sine qua non* in the treaty, was left very much as it was found.

Mr. Calhoun said, that he should neither advocate nor decry the treaty, but simply state his reasons for voting for its ratification. The question was not whether it was all that could be wished, but whether it was best to reject it. He had no doubt that the boundary claimed by the State of Maine was the correct one, but it had been repeatedly admitted to be doubtful, and now compromise was absolutely necessary. He doubted whether a more favorable compromise than that effected by the treaty could have been brought about, and, if that was not ratified, there was no hope of better terms from a reference or arbitration. The only alternative

would be, to yield to the whole British claim, or to take forcible possession of the territory. He was opposed to entering into any stipulations with other powers for the suppression of the slave-trade, but the country had been long since committed on the subject, and our only course, in order to avoid the exercise of the right of search, was to take the matter into our own hands. The questions involved in the Creole case should have been settled by the treaty, but it was not worth while to throw away what we had obtained because it was not all we wanted. The principles at the bottom of this case had been "clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which had strengthened our case not a little." The position taken on the subject of impressment could not fail to have a good effect. On the whole, he found the reasons in favor of ratifying the treaty greatly to outweigh those against it. Peace was our want, and peace was our policy, and some sacrifice should be made to preserve it.

Mr. Williams, of Maine, confined his remarks to the boundary question, in which he bitterly opposed the treaty, and closed by offering a resolution that it be recommitted, with instructions to the committee to direct the President to take possession of the disputed territory, and to report such contingent measures as were necessary to maintain the rights of the nation.

Mr. Buchanan made a long speech in opposition to the treaty. There was no doubt, he said, that it would be ratified, and that the ratification would send joy throughout the land; nevertheless, he avowed himself to be one of the unpopular few in favor of rejecting it, regardless of consequences. When the British envoy came here to settle matters in difference between the two nations, our motto should have been, "all or none." In the whole negotiation Mr. Webster invariably had the best of the argument, but Lord Ashburton secured the substantial advantages. He goes on to show that, in the correspondence relating to the Caroline, Mr Webster never demanded reparation for injuries, but assumed an apologetical tone about the affair of McLeod. The Creole case should have been settled by the treaty. All Christendom was leagued against the South, her only ally was the Democracy of the North, and here her interests were neglected when an opportunity was afforded to obtain justice. Mr. Webster, he said, had "placed this whole subject in a most clear, forcible, and striking light." Lord Ashburton had not attempted to answer his arguments, for they were unanswerable, but nothing was done, and the golden opportunity passed. Now there was no hope of an early settlement. In speaking of the article providing for the suppression of the slave-trade, he deprecated all entanglements with foreign powers, and expressed himself in favor of striking out this article. He discussed the boundary question at some length, declaring that he agreed with Mr. Webster in an opinion formerly expressed, that this did not "rise to the dignity of a debatable question." The commissioners of 1783 were sagacious men and knew what they were about. Mitchell's map made the

matter perfectly clear, and that was the map used by the commissioners. To suppose that the map discovered by Mr. Sparks, among fifty thousand others, was the one referred to by Dr. Franklin, was to suppose that eminent man had a short memory and no understanding of the treaty. Mr. Buchanan entered into a history of the whole boundary question and former attempts to settle it, and then sketched the course of the late negotiations, characterizing Lord Ashburton's claim as a "bold and barefaced pretension," and speaking of a "strange inconsistency between Mr. Webster's arguments and his actions." He had readily granted all that England sought, Massachusetts had treated it as a matter of dollars and cents, and Maine was abandoned by the whole world. "That man of gigantic intellect," who should have exerted his great powers to save Maine, had urged her dismemberment, and "surrendered the ancient highland boundary for which our fathers fought, and blotted it from the Treaty of Independence." The northwestern boundary, too, was a very important matter, and no attempt had been made to settle it. It was the most dangerous question between the two countries, and there was no probability now that it could be settled without a war.

After the debate, several propositions adverse to the treaty were brought forward, but none of them met with much favor, and the ratification was pronounced in the Senate on the 26th of August by a vote of thirty-nine to nine.[1]

[TO MR. JEREMIAH MASON.]

"WASHINGTON, *August* 21, 1842.

"MY DEAR SIR: I cannot forego the pleasure of saying to an old and constant friend, who, I know, takes a personal as well as a public interest in the matter, that the treaty was ratified last evening by a vote of thirty-nine to nine. I did not look for a majority quite so large. I am truly thankful that the thing is done.

"Yours, ever faithfully,

"DAN'L WEBSTER."

Mr. Mason, in reply, while abstaining from the expression of his own judgment, informed Mr. Webster of what was undoubtedly the state of opinion, among many of his personal

[1] On that day Mr. Webster was thinking of what should be done with the "salt hay" at Marshfield:

[TO MR. WESTON.]

"*August* 20, 1842.

"DEAR SIR: I am against filling the floor of the great barn with salt hay. It spoils the looks of things, besides being in the way. You will do better to make a third cap, large, and place it in a convenient spot near the piggery, as I am not at all certain but what you and I shall make a barn the last two weeks in September and the first two in October. What do you think? Shall we have a better time? Can you get suitable lumber? If it strikes your fancy agreeably, you may set about the wall whenever you please. Perhaps Captain Peleg would lend a hand. I shall write Henry, stating what time to look out for me.

"Yours,

"D. W."

friends in Massachusetts, in regard to his remaining in Mr. Tyler's Cabinet.

[FROM MR. JEREMIAH MASON.]

"BOSTON, *August* 28, 1842.

"MY DEAR SIR: You are entirely right in the belief that I feel deeply interested in the matter of your treaty, as well for public as persona reasons. In my opinion, it is of more importance to the welfare of the country than any thing that has taken place since the Treaty of Ghent. Such I believe to be the public opinion. Your merits in this negotiation are universally admitted to as great an extent as can be desired. What affects you so essentially cannot fail to excite a strong personal interest with me. For, be assured, my dear sir, that there has never been a moment during our long-continued friendship when I felt more deeply interested in your welfare than I do at the present moment. While I most cordially congratulate you on your present success, and the increase of your reputation as a statesman therefrom, I cannot forbear suggesting my fears and anxiety for the future.

"When the late Cabinet so hastily resigned their places, under the supposed influence of Mr. Clay, I certainly thought you acted rightly in not going out at his dictation.

"The eminent services you have since performed will satisfy all, whose opinions are of any value, that you judged rightly in remaining in office to enable you to do what you have done.

"This important affair is now brought to a happy conclusion, and your best friends here think that there is an insuperable difficulty in your continuing any longer in President Tyler's Cabinet.

"Having no knowledge of your standing, or personal relations with him, or of your views, I *do not feel authorized to volunteer any opinion or advice.*

"It is generally understood that Mr. Choate will resign at the end of this session.

"In that event, your old seat in the Senate will be open to you. On some accounts that would seem not altogether desirable. I have heard it suggested that you might have Mr. Everett's place in England, and let him go over to France. I repeat that, for the reasons already intimated, I give no opinion or advice as to what is best and most expedient; I hope and trust you will judge and determine rightly. Lord Ashburton has been received here in a manner, I presume, quite satisfactory to himself. He lauded you publicly, and also in private conversation, in terms as strong as your best friends could desire.

"I am, my dear sir, as ever, faithfully yours,

"J. MASON."

The opinions of his friends in Massachusetts, although held to some extent elsewhere, were outweighed by the sentiments

of a great body of men of importance in different parts of the Union, whose letters to Mr. Webster, urging him still to retain his present position for the sake of his country, now lie before me in great numbers.[1] Those who wished him to retire did not adequately regard the necessity for his remaining to complete the work which he had undertaken. The foreign affairs of the United States, notwithstanding the treaty with England, still needed his superintendence, and, in the peculiar relations existing, and daily growing worse, between President Tyler and the Whigs, Mr. Webster's presence in the Cabinet for some time longer was also of great consequence to the internal concerns of the country. Above all, the party attacks on Mr. Webster mistook the character of the man. "I am a little hard to coax," he said to the people of Boston in Faneuil Hall, "but as to being driven, that is out of the question." In fact, as, from no fear of personal consequences could he be compelled to yield his sense of duty to the country, at the time of the dispersion of the Harrison Cabinet, so now, at whatever cost to himself, he determined that the time had not come when he could with safety to great public interests retire from the Department of State. He did not make the mistake which General Jackson is said to have admitted he made once, by yielding in an important matter to the opinions of his friends, when he ought to have adhered to his own.[2]

Lord Ashburton left Washington immediately after the ratification of the treaty by the Senate, and arrived in New York on the same day on which the news of the event was received in that city. A public dinner was tendered to him by the principal citizens, which took place on the 1st of September, and which was thus previously announced to Mr. Webster:

[1] See also a very striking letter from Mr. John Mills, a leading man in the western part of Massachusetts, who was a member of the Democratic party. (Correspondence, ii., 140.)

[2] The occasion referred to in the text was when General Jackson was led, against his own judgment, to reject the award of the King of the Netherlands in relation to the north-eastern boundary. He is reported to have said afterward that "it was somewhat singular that the only occasion of importance in his life in which he had allowed himself to be overruled by his friends, was the one of all others in which he ought to have adhered to his own opinions." (See the biographical memoir prefixed to Mr. Webster's Works, i., 125.)

[FROM MR. JAMES G. KING.]

"New York, *August* 23, 1842.

"My dear Sir: A public dinner by citizens of New York, to Lord Ashburton, will be given on the 1st September, Thursday of next week, and a formal invitation will be sent to you and others to attend, and great disappointment will be felt by Lord Ashburton, as I know, as well as by a large number of *your* friends, if any thing prevents your attendance; and, in order to give you the earliest notice, I write this, in great haste, for your information. Nothing can exceed the generous and lofty tone of *all* our citizens upon the occasion of Lord Ashburton's arrival here, and upon the same day, with the news of the ratification of the treaty. The body politic is very much enfeebled, or it would raise a shout of joy which should ring from Marshfield to the Pacific Ocean; but renewed hope begins to spring up, and comfort and gladness will soon take the place of despondency and suffering: for no event, since the peace, is more pregnant of good than the Treaty of Washington. It is right *you* should "pursue the triumph and partake the gale." Pray drop me a line, and say you will come. "Yours truly,

"James G. King.

"Hon. D. Webster."

Mr. Webster, however, felt that, on this occasion of personal compliment to Lord Ashburton, it would not be becoming in him to attract the regards and attention of the company to himself. He therefore declined the invitation.

He left Washington, in the last week of August, to make preparation to receive Lord Ashburton at Marshfield, and to enjoy there for a time the repose that he so much needed. Just before his departure he wrote to Mrs. Paige: "The only question of magnitude about which I did not negotiate with Lord Ashburton is the question respecting the fisheries. That question I propose to take up with Mr. Seth Peterson on Tuesday, the 6th day of September next, at six o'clock, A. M. In the mean time, I may find a leisure hour to drop a line on the same subject at Nahant." He remained at Marshfield through the month of September. "I had a glorious month of leisure" (he writes afterward to Mr. Everett), "on the sea-coast, where Seth Peterson and I settled many a knotty point. I went also to my native hills for ten days, and frolicked with other young fellows of that region." One of the points then disposed of with Peterson related to the President. "Seth

goes for the President," Mr. Webster writes, "notwithstanding the vetoes. He says, there is sometimes an odd fish that won't take clams; you must try him with another bait."[1]

But graver matters claimed Mr. Webster's attention during this period of recreation. It was the season of the year when, according to the annual custom of political parties, the nominations for the autumn elections were to be made. The Whigs of Massachusetts held a convention of delegates in Boston on the 17th of September, for the purpose of selecting candidates for the State offices. With very little consideration for Mr. Webster's position, and his relation to the Administration of Mr. Tyler, this body undertook to pronounce, in the name of all the Whigs of the State, and for them all, a full and final separation from the President of the United States.[2] Most of the delegates who voted for this declaration probably attached to it no special significance. But its real purpose was to create a dilemma for Mr. Webster, by laying it down, in substance, as an authoritative decision of the party, that any one who retained political connection with the President was no longer to be deemed a Whig. It happened that, before this occurrence, Mr. Webster had received an invitation to a public dinner from a large number of his fellow-citizens in Boston and its vicinity, as a compliment for the part he had borne in the late negotiations with England. He had declined the dinner, and had expressed his desire to meet in a less formal way all who might wish to offer him their congratulations on account of the treaty.

[1] Correspondence, ii., 151. Seth Peterson, Mr. Webster's fisherman and boatman at Marshfield, is the person here referred to. Lest my readers should suspect that this saying was put into Peterson's mouth by his illustrious friend, I beg leave to observe that this original personage, who had a kind of Sancho Panza humor, was quite equal to saying the good things that Mr. Webster sometimes reported of him. (See his name in the Index.)

[2] Two of the resolutions adopted by this body may be quoted here. One of them, after reciting the offences of President Tyler against the Whig party, concluded thus: "That by these acts, through which he has compelled the Whigs to leave the country suffering under the evils inflicted upon it by his predecessor in office, he has left no alternative to the Whigs of Massachusetts, but to declare, as they do now declare, their full and final separation from him." The other was as follows: "That having the highest confidence in the integrity, ability, and patriotism of Henry Clay, of Kentucky, we present him to the Whigs of Massachusetts as the man who, by his uniform support of their principles and their interests, by his many and valuable public services, by his attachment to the true spirit of the Constitution, and by the estimation in which he is held in all parts of the Union, is justly entitled to their suffrages for the first office in the gift of the American people."

No special arrangement, however, had been made for this purpose, when the decree was suddenly fulminated by the Whig State Convention, separating all Massachusetts Whigs from President Tyler. This at once determined Mr. Webster to go into Faneuil Hall, the famous meeting-place of the *dikastery* of Boston, and there, in the presence of the People, as his jury, to speak his mind freely. The meeting was appointed to be held on the 30th of September.

The day was looked forward to by some of his friends with anxiety. The Whig party was there largely in the ascendant; and toleration is not one of the strongest characteristics of that community. Those who had felt the public pulse, believed that the predominating opinion at that moment was decidedly adverse to Mr. Webster's remaining longer in the Cabinet, as it certainly was extremely hostile to the President. It did not suit the local temper, it hurt the local pride, that Mr. Webster should give his powerful aid and the weight of his great reputation to sustain a chief magistrate who had became so unpopular. It was feared, therefore, that he might encounter some manifestations of disrespect.

As the hour for the meeting approached, he passed slowly down State Street on his way to the Hall, and loitered for a few moments in one of the insurance-offices, which abound in that street, where he met Mr. Jeremiah Mason, Mr. Harrison Gray Otis, and other distinguished gentlemen of advanced years, who had assembled there to accompany him. "Well, Webster," said Mr. Mason, in the affectionate familiarity of old days, "are you going down to Faneuil Hall to encounter that mob?"—"Yes, Mr. Mason, I am," replied Mr. Webster; "will you walk?"

The "mob" consisted of a closely-packed assembly of three thousand people, an intelligent, critical, somewhat cold, Boston audience—each man of whom was familiar with Mr. Webster's public life, and had his own opinions for or against the delicate and mooted question of his remaining in Mr. Tyler's Cabinet. But all apprehension of a *scene* was at once dispelled when he appeared. He was dressed with care, in his usual manner; he was in excellent health, fresh from the breezes of Marshfield; and, as his magnificent figure rose above the platform, and his deep calm eyes fell upon the audience, every head

in the hall was instantly uncovered. If that audience had come to cavil, it was already awed into respectful attention.[1]

The mayor of the city,[2] who presided, addressed Mr. Webster in a speech of singular beauty and tact, which expressed a sincere public gratitude for the services he had rendered to the country in the negotiation of the treaty with England. In the course of his remarks he said:

"We are aware, sir, that this treaty is not yet completed, but that an important act is yet necessary for its accomplishment. We anticipate no such result, and yet it may be that still further work is necessary for the crowning of our hopes. You have brought skill and labor, ay, and self-sacrifice too, to this great work, we know. And whatever may befall the country, in this or any other matter, we are sure that you will be ready to sacrifice every thing for her good, save honor. And on that point, amidst the perplexities of these perplexing times, we shall be at ease; for we know that he who has so nobly maintained his country's honor may safely be intrusted with his own."

This gave the key-note to whatever Mr. Webster might choose to say respecting his own relation to the country and the party to which he belonged. But he had no sooner pronounced the beautiful exordium with which he opened his speech, than the whole audience felt at once that the statesman who stood before them occupied a relation to the country far transcending in importance any in which he stood, or could stand, to any party organization. Moreover, he made them feel as *he* felt himself, that there, in Boston, in Faneuil Hall, was his *home;* that, of all men in the country, *they* were bound to judge his acts with candor, and that he was entitled to rebuke the party spirit which seemed bent upon postponing all measures needful to accomplish the Whig policy that had been declared by the election of 1840, until, three years afterward, a Whig president could be chosen.

This rebuke he gave; for the plain, perspicuous statement which he made of the opportunity now in the hands of a Whig Congress to finish the work that had been assigned to it by the people, and the manner in which he exposed the folly of widening the breach between Congress and the President, necessarily

[1] The writer was an eye-witness of what he has described.

[2] The Hon. Jonathan Chapman, a gentleman of much promise, who died, greatly lamented, at an early age.

carried that rebuke home to those for whom it was intended. Yet in all this he was entirely cool, and, although he spoke with animation and vigor, he spoke also with perfect self-possession and dignity. The dramatic interest of the occasion was heightened by the presence around him, in very conspicuous positions, of several gentlemen of influence, who were known to favor movements in their party, looking to the nomination of Mr. Clay for the presidency, with which all these party tactics, including the effort to separate Mr. Webster abruptly from President Tyler, had a connection more or less direct. No allusion was made to such ulterior objects, but that great assembly was made conscious that there, in his own Massachusetts, an ungenerous thing had been done toward Mr. Webster in attempting to forestall, at that early period, the selection of the next Whig candidate for the presidency. Yet it was equally manifest that he was determined not to permit himself, for the sake of obtaining the nomination of his party, by its next national convention, to be influenced in regard to the question of remaining in Mr. Tyler's Cabinet; nor would he be compelled to leave it for the sake of promoting the objects of those who wished *now* to direct the party choice toward Mr. Clay. The interests of the country, wholly independent of any party or any personal success, were involved for the present in his remaining where he was; and it was for this reason that he said with an emphasis which drew forth a tempest of applause before he could finish the sentence—"I give no pledges, I make no intimations one way or the other; and I will be as free, when this day closes, to act as duty calls, as I was when the dawn of this day"—at this point the cheering made it impossible for him to continue. He had previously told the audience that on the subject of his resignation he should leave them as enlightened as he found them. When silence was restored after the interruption, he added:

"There is a delicacy in the case, because there are always delicacy and regret when one feels obliged to differ from his friends; but there is no embarrassment. There is no embarrassment, because, if I see the path of duty before me, I have that within me which will enable me to pursue it, and throw all embarrassment to the winds. A public man has no occasion to be embarrassed, if he is honest. Himself and his feelings should be

to him as nobody and as nothing; the interest of his country must be to him as every thing; he must sink what is personal to himself, making exertions for his country; and it is his ability and readiness to do this which are to mark him as a great or as a little man in time to come.

"There were many persons in September, 1841, who found great fault with my remaining in the President's Cabinet. You know, gentlemen, that twenty years of honest and not altogether undistinguished service, in the Whig cause, did not save me from an outpouring of wrath, which seldom proceeds from Whig pens and Whig tongues against anybody. I am, gentlemen, a little hard to coax, but as to being driven, that is out of the question. I chose to trust my own judgment, and, thinking I was at a post where I was in the service of the country, and could do it good, I stayed there, and I leave it to you to-day to say, I leave it to my country to say, whether the country would have been better off if I had left also. I have no attachment to office. I have tasted of its sweets, but I have tasted of its bitterness. I am content with what I have achieved; I am more ready to rest satisfied with what is gained, than to run the risk of doubtful efforts for new acquisitions."

The whole of this remarkable scene was a striking exhibition of the power of intellect and character over an audience, a large majority of whom had come together with feelings adverse to the speaker on one particular point in his public career, which then engrossed their attention; for, while the popular admiration of Mr. Webster was undiminished, and the services which he had rendered to the country by the treaty were in all men's mouths, it is to be remembered that this assembly was mainly composed of persons who had persuaded themselves that, the treaty being now accomplished, it became him to resign. But, from the moment when he began to speak until the last words fell from his lips, he held as absolute a sway over the convictions and feelings of his audience as if they had never differed from him in their lives. Whatever discomfort or dissatisfaction may have remained in individual bosoms afterward, the men of Boston then learned, and long remembered, that Mr. Webster was a man whom no party movements and no personal objects could detach from that duty to his country which his own judgment had pointed out to him.[1]

Yet it is not to be doubted that the folly of the Massachusetts Whigs, whose proceedings awakened Mr. Webster's indignation, did him injury in a merely political view. They

[1] The speech is contained in his Works, ii., 117.

had been called together on the 17th of September for a purely local purpose, and it was altogether beyond the scope and proprieties of the occasion for them to express opinions that were to affect a public man, standing in Mr. Webster's position in national affairs. But they went farther even than this, and, in disregard of Mr. Webster's claims, and without consulting him, committed the Whig party of Massachusetts to the nomination of Mr. Clay by the next national convention. All who are familiar with the operation of such political movements, are aware how important it is to a public man, whose name is likely to be brought before a great national body, to have the undivided support of his party in his own State. However strong might be the preferences of men in other quarters of the Union for Mr. Webster, and however clear their convictions that Mr. Clay, having been once defeated before the people, ought not again to be made the candidate of their party, Mr. Clay's friends could now say that the Whigs of Massachusetts had decided against Mr. Webster. But this was not all; for their proceedings laid the foundation in Massachusetts for an opposition to Mr. Webster in the ranks of his own party. They introduced a tone of remark and a spirit of action concerning him, among persons who professed to be his friends, which afterward worked injurious effects whenever the question of a presidential candidate was to be determined. Posterity, as I have already said, will ask why it was that this great man did not attain the first office of the republic. There are many minor, as well as some greater causes, which will make up the answer to this inquiry. But, among the former, the proceedings of the Massachusetts Whigs in 1842 are to be reckoned.

The effect on the fortunes of the Whig party, which Mr. Webster had anticipated from the attitude of many of its leaders toward the President, manifested itself in the autumn elections of this year. He had tarried in New York until these elections were over; and, writing thence to his son, Mr. Fletcher Webster, at Washington, on the 8th of November, he said:

"I look forward to the future, my dear son, with great anxiety. The recent elections show that the Whig party is broken up, and perhaps can

never be reunited. I intend, however, to do my duty to the country and to the President so long as I can be useful, without departing from my own principles or acting against my own judgment. Every thing must be done to make the ensuing session go off well. I am anxious to be at my post as soon as I can."

For the purpose of bringing together the various subjects which now demanded his attention, it is necessary to recur to what happened at the time of the ratification of the treaty by the Senate, and to explain its reception in England and on the Continent.[1]

The ratifications of the treaty were exchanged in London on the 13th of October, 1842, by Mr. Everett and Lord Aberdeen. It was immediately attacked by Lord Palmerston in the *Morning Chronicle*, in a series of articles, in which he called the treaty Lord Ashburton's "capitulation," and represented that the American negotiator had entirely got the advantage in the whole matter. When these articles were read in this country, Mr. Webster amused himself by writing the following paragraphs, apparently for the editorial columns of some newspaper:

"THE TREATY.

"We are assured from authentic private sources that the several articles which have appeared in the London *Morning Chronicle*, treating Lord Ashburton with so much severity, were really written, as has been surmised, by Lord Palmerston, late Secretary of State for Foreign Affairs. In these articles, the writer calls the treaty '*Lord Ashburton's capitulation;*' and, as the papers have spoken of the probability of his lordship being made an earl, he recommends that his new title be 'Earl Surrender.' Parliament meets for the dispatch of business about the 1st of February,

[1] Lord Ashburton did not leave the United States until the early part of December. As he was about to embark, he wrote to Mr. Webster his farewell letter:

[TO MR. WEBSTER.]

"NEW YORK, *December* 3, 1842.

"MY DEAR MR. WEBSTER: I must at last run away, or rather sail away, without seeing you. This is provoking, but I cannot help it. I had indeed little to say; but it is, notwithstanding, a mortification to me to leave these shores without first shaking your hand.

"The pain would be greater if I did not confidently hope to see you in the Old World; but, for me to benefit by your visit, you must make haste, for my taper is burning away fast, and I have done my last public work, very agreeably indeed, to my own satisfaction, as I have every reason to hope it will prove to the satisfaction of my royal mistress.

"My reception everywhere has been highly gratifying; and, when called upon to say something in the great cradle of liberty, Faneuil Hall, I never longed so much for a few crumbs of your or Brougham's power to talk to the masses. I did not see Derrick, but I hope to find him in England. Adieu, my dear Mr. Webster. Let me hear from you, if you have leisure; but, above all, let me see you, if you can.

"Remember me most kindly to Mrs. Webster and all your family.

"Yours sincerely,

"ASHBURTON.

P. S.—Healy is to come and take my picture at the Grange, in October; and pray do not forget I am to have yours."

and Lord Palmerston will then, no doubt, followed by his Whig friends, transfer his attacks from the daily journals to the House of Lords and House of Commons. The walls will be made to ring long and loud with charges of imbecile negotiation, disregard of public interest, and sacrifice of English honor. Now, it will probably so happen that, just about this time, the 1st of February, the speeches of Mr. Senator Benton, and other Senators, against the treaty, as a 'capitulation,' on our part, and entitling the Secretary of State to be called 'Mr. Surrender,' will be published in the London newspapers. It will be very amusing, when Sir Robert Peel shall rise to answer Lord Palmerston, to see him producing Mr. Benton's authority to prove that the British minister got the whole advantage in the treaty, and that the honor and interest of the United States have both been sacrificed to British pretension and British superiority.

"Having so much delighted, by his speeches, the American Senate, of which he is a member, Mr. Benton will have the rare fortune of delighting, at least in an equal degree, a British House of Commons.

"Let us imagine to ourselves the scene. Lord Palmerston, having made an elaborate speech against the treaty, sits down amidst the applause of his Whig friends.

"Sir Robert Peel rises, and says that he shall answer the speech of the noble lord by reading the speech of an equally distinguished person—a Senator of the United States. He begins to read, he soon comes to passages averring that the advantage of the treaty is all on the English side. The '*Hear hims*' now begin to rise. The Premier goes on; he reads with more animation; he comes to studied and well-turned periods, insisting that the poor and feeble American Administration had been completely taken in by the 'over-reached, bamboozled, and humbugged' British negotiator. The '*Hear hims*' are renewed with still more enthusiastic approbation. Cheered by these manifestations of delight, the first minister assumes his most earnest and eloquent tone; reads through the honorable Senator's speech, and, concluding with the declaration of the sacrifice of all American interest and honor, and of the complete triumph of British diplomacy, sits down in a tempest of applause.

"A similar scene may be expected in the House of Lords when the grave and sober Earl of Aberdeen shall read the speech of the grave and sober Senator from Pennsylvania. But the distinguished Senators, who see so clearly that the Government of their own country has been completely outwitted or outgeneralled, have not only the Whigs of England, with Lord Palmerston at their head, to contend with, they must be prepared to make battle also with the public sentiment of France, and indeed of all Europe. For it is not a little curious that, while these gentlemen and a few others (and we rejoice to be able to say a very few) make objections to the treaty that it abandons the American ground, the French press considers the treaty as an abandonment by England of her pretensions, and taunts M. Guizot for allowing the United States to carry points of

such magnitude in her negotiations with Great Britain, which France had been obliged to give up.

"The speeches delivered in the Senate against the treaty will sound very oddly, we anticipate, in the ears of the Liberal party in France."

Before the ratifications of the treaty had been exchanged, rumors were in circulation in this country respecting the alleged Franklin map. Whether the facts concerning it had been talked about by some of the commissioners of Maine or Massachusetts, or by some of the Senators, was not known; but the injunction of secrecy had not been removed in regard to any of the proceedings in the Senate at the adjournment of Congress, which occurred in August. These rumors, however, were confirmed by a desultory discussion, which took place in open session of the Senate during the December following, when members entered into personal explanations of their speeches made in the secret session of August upon the treaty.

In his annual message, at the commencement of this new session of Congress, in December, 1842, the President congratulated that body on the ratification of the treaty by both governments. He spoke of the "right of visit" as a practice which had grown up in the enforcement of the treaty stipulations of Great Britain concerning the slave-trade; and he said that Lord Aberdeen had, in 1841, disclaimed any right to detain American ships. Visitation, he said, necessarily detained them, and was regarded as "search" in a new form, and expressed in different words. The doctrine of his former message, that America had the ability to enforce her own laws and protect her flag, had been reaffirmed, and now all pretence was removed for interference with our commerce for any purpose whatever by a foreign government.

After the reception of the President's message in England, Lord Aberdeen, on the 18th of January, 1843, addressed a dispatch to Mr. Fox, still British minister here, and directed him to read it to Mr. Webster. It was received by Mr. Fox on the 23d of February, and, on the next day, was communicated formally to Mr. Webster. It took notice of that part of the President's message which related to the right of search, and denied that any concession on this point had been made by Great Britain in the late negotiation. It said that the right

would continue to be exercised, subject to the duty of making prompt reparation in cases of loss or injury occasioned by it; and that, when Parliament should assemble, ministers would hold themselves at liberty to make any explanation of their understanding of the effect of the treaty which they might feel to be consistent with their duty, and necessary for the elucidation of the truth. Mr. Fox was informed by Mr. Webster that an answer to this dispatch would be made in due time through Mr. Everett.

Parliament was opened by a commission on the 2d of February, 1843, and the first topic touched upon by the Lords Commissioners in their speech, as matter of congratulation, was the treaty by which "her Majesty trusts the amicable relations of the two countries have been confirmed." The Earl of Powis moved the address in reply, in which the Lords declared: "We participate in the hope expressed by your Majesty," etc. In the debate upon the adoption of the address, the Marquis of Lansdowne said that he entirely agreed with the sentiment already expressed with regard to the importance of cordial relations and a good understanding with the United States. But he was not altogether satisfied with what had been done. He did not object to making liberal concessions, but the abandonment of Madawaska was greatly to be lamented. He deplored that much had been left unsettled. One door to hostility was closed, but another left open in allowing the Oregon dispute to remain. The right of search was of the utmost importance. Not only had the United States not admitted that right, but they had distinctly declared that they would not submit to it, and he regretted to say that Great Britain had seemed to acquiesce.

Lord Brougham exulted in the settlement of disputes with the United States. He placed so high a value on friendly relations with that country, that he cared not how the boundary was drawn, provided cordial relations were secured. So far from the treaty being a capitulation, as it had been called outside of Parliament, it was not even a concession, as noble lords within had insisted. The value of the conceded territory he would not stoop to consider, but England had desired the establishment of the line awarded by the Dutch king, which was not so good as the one she had now obtained. The navi-

gation of the St. John's was beneficial to both parties, and not properly a concession.

Other speakers declared that the right of search had been given up, and that it was so understood by France.

Lord Ashburton had little to say at that time, but, if occasion presented, he thought he could give a satisfactory defence. No important concession had been made. The right of search was not given up, for it had never been claimed except when granted by treaty, and had never been exercised against American vessels. The question of visitation had been set at rest by the dispatch of Lord Aberdeen. The only question left unsettled was that of the Oregon Territory, and he believed no evil would result from the postponement of that.

The House of Commons, in its address to the Crown, thanked her Majesty for the assurance that she trusts the amicable relations of the country with the United States have been confirmed by the treaty.

In the debate Mr. C. Wood complained that the right of visit had not been allowed by America, and that the President in his recent message claimed that the right had been surrendered by the British Government. Mr. Wood thought an explanation was called for.

Sir R. Peel, in referring to the American question, said that, in view of the difficulty of the matter, the settlement was the best that could be hoped for. The boundary was better than that awarded by the King of Holland. Extreme pretensions had to be given up on both sides. It was not his purpose to enter into a defence of the treaty, but he was able and willing to do so if it should be found necessary. He was sorry to see that the Pesident's message did not give a correct account of the negotiations respecting the right of visit, to ascertain the real character of a vessel screening itself under the American flag. He was surprised that the Americans should contest this right. Not one of the principles contended for by Lord Aberdeen in his dispatch of December, 1841, had been waived by Great Britain. That dispatch had remained unanswered to this day, which was a virtual admission that it would not be wise to contest those principles. For his own part, he was surprised that the United States objected to the right of search.

The right of visit had not been relinquished, and no concession on the question had been made. The naval force was not accepted as an equivalent for that right. This understanding of the treaty had been intimated by the Government to the United States.

Lord John Russell spoke of the settlement of the boundary. He admitted the importance of a settlement, but was not satisfied with the terms. Lord Ashburton's first dispatch should have been firmly adhered to, but disadvantageous concessions had been in fact made. Mr. Webster was unfair in insisting on the river boundary so strongly and afterward leaving it. The correspondence, he thought, showed that better terms might have been obtained. Lord Ashburton, he considered a bad appointment. His feelings were not earnestly enough enlisted in the colonial interests of Great Britain, and so the hold of the country on those provinces was endangered.

Lord Stanley defended the appointment of Lord Ashburton as the best that could have been made, and believed the terms of the treaty very favorable. He adverted to the ill success of the former Administration in dealing with these questions, and thought the comparison with the present decidedly in favor of the latter.

Lord Palmerston said, if the right honorable baronet (Sir Robert Peel) wanted an opportunity to defend the treaty, he intended to give it to him. Lord Ashburton he regarded as a most unfit person for the mission upon which he had been sent. The treaty had been very properly called a capitulation. It gave the United States the advantage of a salient point of attack upon Canada.

In the Senate, on the 23d of February, a dispatch received from Mr. Everett, and made public, was referred to, in which he expressed his surprise at the statement of Sir Robert Peel, that Lord Aberdeen's dispatch of December, 1841, remained unanswered. The receipt of the dispatch had been promptly acknowledged, with the assurance that the subject should be considered, and a full reply given by the United States Government. Before this was received, Mr. Everett had been officially apprised by Lord Aberdeen that Lord Ashburton had been sent to America with power to settle the question of the

right of visit among others. The necessity of an answer to the dispatch was thus admitted to be superseded.

As soon as attention had been drawn to this matter, Mr. Benton remarked upon another statement in Sir Robert Peel's speech, viz., that the right of visit had not been relinquished, and wished to submit the inquiry, whether the Government had received any intimation of a different construction of the treaty, on this point, by the British Government, from that admitted in this country. A discussion followed, chiefly between Mr. Benton and Mr. Archer, on the different understanding of the treaty in the two countries. Mr. Archer attempted to show that the President's message did not claim that England had given up the right, but that arrangements had been made which removed all occasion for exercising that right. For his own part he did not think the British claim unreasonable, but still he thought the Government had done wisely in taking the matter into its own hands, and removing all occasion for the exercise of the right, instead of insisting upon its formal abandonment. There was no disagreement between the President and Sir Robert Peel.

Mr. Benton insisted that there was a difference between them, and quoted the language of each, to show that one claimed that the right of visit was abandoned, and the other that it was not abandoned.

Mr. Allen thought the President claimed that it was abandoned, and rightly so claimed. If not, why be at the expense of exercising the right ourselves? For his own part, he would not vote a dollar for carrying out the treaty. War was preferable.

Mr. Calhoun thought Sir Robert Peel insisted only on the general right. So far as slave-vessels on the African coast were concerned, it was certainly superseded by the treaty. At all events, the discussion was premature and out of place.

Early in the session of Parliament, Lord Palmerston, with the avowed object of bringing the treaty under discussion, for the purpose of attacking it, gave notice that he should move for copies and extracts of the correspondence between Lord Ashburton and Mr. Webster. Sir R. Peel, the prime minister, furnished such portions as he thought expedient, and sufficient,

as he declared, to make out any case which could be founded on the call for documents; but, in order to attain his object, Lord Palmerston, on the 21st of March, moved for copies of the instructions given by the Government to the British envoy, and, in a speech of more than three hours' length, made an elaborate attack on the whole course of the negotiations and the result attained. He gave an account of the difficulty from the Treaty of 1783, together with all the negotiations and attempts at settlement which had been made down to the appointment of Lord Ashburton. In speaking of the interpretation of the Treaty of 1783, he declared that he believed the red-lined map of which much had been heard, lately found by Mr. Sparks in the Royal Library at Paris, was the one alluded to by Dr. Franklin, as that used by the commissioners, marked with a strong red line following the boundary as laid down by the treaty; and this line, he said, was the boundary which had always been claimed by Great Britain. There was another map, similarly marked, in the State-Paper Office at London. He criticised the appointment of Lord Ashburton, on the ground that he was unskilled in diplomacy, and inclined to be favorable to the United States. The first blunder of the envoy was in beginning with an ultimatum instead of allowing himself room for concession. He then showed great weakness in receding from his ultimatum and allowing a division of the Madawaska settlement, contrary to the wish of the inhabitants and the right of Great Britain. When Mr. Webster claimed the St. John's River for the boundary, Lord Ashburton yielded, and, when at another point Mr. Webster left the river and carried the line to the north of it, he yielded again. There were, moreover, several tracts of land—such as that between the St. John's and the line claimed by the United States, and the disputed strip to the north of Vermont, including Rouse's Point and the Sugar Islands—which should have been held as equivalents for valuable concessions to be made by the United States, instead of which, they were submissively given up at the outset. The dignity of the country was sacrificed at every step. He claimed that nothing had been gained toward the suppression of the slave-trade, and that, in the case of the Creole, Lord Ashburton had conceded the ground claimed by Mr. Webster,

and practically allowed the doctrine that slaves were not liberated by entrance into British ports. Lastly, he accused Lord Ashburton of exulting in the humiliation of the country at public dinners in New York and Boston, by alluding to the "cradle of American liberty and independence," and speaking of it as a "hallowed spot."

Sir Robert Peel replied to Lord Palmerston, administering a severe rebuke to his lordship for not moving a vote of censure against the Government, who were alone responsible for the negotiations, instead of attacking Lord Ashburton and the treaty which he had negotiated. Sir Robert Peel entered into an earnest defence of the qualifications of Lord Ashburton, and the wise and liberal spirit in which he had performed his mission. The protracted dispute, the frequent irritations arising out of it, the long and futile attempts at adjustment, the impossibility of conforming to the terms of the Treaty of 1783, all made the establishment of a conventional line the only practicable course, and that course had been entirely successful. A boundary was obtained better than that awarded by the King of Holland, and a vexed question, the constant cause of dangerous irritation, was put effectually to rest—a question which Lord Palmerston, with all his diplomacy, had failed to settle in ten years, during which it was on his hands. Delay had become perilous. It was vastly important to both countries that the boundary question should be settled, and he believed that both Lord Ashburton and Mr. Webster were animated with a sincere desire to come to a fair understanding, making such mutual concessions as were necessary. One proof of the fairness of the treaty was, that Mr. Webster and Lord Ashburton were both accused in their respective countries of making too great concessions, and sacrificing the honor of their country. Another proof was, that the colonies themselves were satisfied. Mr. Webster had been blamed for keeping back a certain map. Even if he had been bound to produce any such map, there was no evidence that it was the one referred to by Dr. Franklin, as having the boundary marked on it, as understood by the commissioners in 1783. The British Government had not been able to find this map, but had found another contemporary with the treaty, published by Mr. Faden, geographer to George

III., in which the line was drawn according to the American claims. There was still another, Mitchell's map (which Lord Palmerston had pronounced untrustworthy), which gave the boundary according to the American claim, "as described by Mr. Oswald." Sir R. Peel closed by repeating his regret that the blame, if any, had not been directed against the Government by a vote of censure, and by stating his objection to producing more of the papers relating to the treaty.

Mr. Macaulay declared the treaty to be in every way deficient. They had a right to expect that the dignity of the country would be preserved, that the difficulties should be effectually put at rest, and that cordial feelings between the two countries should have been the result. But, he said, the honor of the country had been compromised by the "humble, caressing, wheedling tone" which Lord Ashburton had adopted, and which contrasted strongly with the "firm, resolute, vigilant, and unyielding" manner of Mr. Webster. He also easily abandoned his first claim and conceded what Mr. Webster demanded, while the latter never gave way to his demands. The difficulties were not settled, but matters left in a worse plight than before. The eighth article was so ambiguous, that it was understood in America as giving up the right of search on the part of England, while the ministry claimed that it did not abandon that right. It was so much waste-paper. Squadrons were likely to be sent to the coast of Africa by the two Governments with conflicting orders, thus tending directly to hostility or further irritation instead of cordial sentiments.

Sir H. Douglas, who had been Governor of New Brunswick from 1823 to 1831, gave a history of the encroachments which had been permitted upon the disputed territory under Lord Palmerston's Government. This had given the United States possession, and led to such a state of things that nothing but a conventional line could be established, and that which the treaty laid down was as good as could be obtained, and gave up no position important to Great Britain.

Sir Charles Napier attacked the eighth article of the treaty more especially. Mr. Webster, he said, was what the Americans called a "smart man," and Lord Ashburton's candor and frankness were misplaced, and he had made unnecessary con-

cessions. As to the boundary, it was unfair for Mr. Webster to claim the river for the boundary when it suited his purpose, and to depart from it as soon as it was to the advantage of the United States to do so. Rouse's Point, one of the places surrendered, was of great importance as a military post.

Mr. Disraeli contended that the treaty gave England more territory, a better barrier, and a more efficient boundary than the "Dutchman's line." In concession, England had the better. Rouse's Point was of no military importance, and much greater extent of territory had been given up by America than by England. A great and difficult question had been advantageously settled. As to the famous map, he had seen it. It was a map of all North America, was but eighteen inches square, and the red line covered a good space of the disputed territory. Mitchell's map was much larger, and of recognized authority, having belonged to the collection of George III. He showed that this was the map used by the commissioners in 1783, by quoting from a letter written by Dr. Franklin to Mr. Livingston, not contained in Mr. Sparks's work, but in a book published by Mr. Temple Franklin, his grandson. In this letter Dr. Franklin said: "I am perfectly clear in the remembrance that the map we used in tracing the boundary was brought to the treaty by the commissioners from England, and that it was the same that was published by Mitchell twenty years ago." In another place the assertion is repeated that it was Mitchell's map. In Dr. Franklin's manuscript notes to the nine articles of the treaty, in remarking on the fourth article, he says, "The map used in the course of the negotiation was Mitchell's." So, if maps were to be received as evidence, the United States would have the best of it.

An end was put to further debate by a call of the House, which showed that a quorum was not present. On the following day (March 23d) Mr. Hume inquired if the debate, which had been so disgracefully checked, was to be resumed. Lord Palmerston said his point had been gained, and he was willing the discussion should be dropped. Mr. Hume then gave notice of a resolution declaring the treaty, in view of previous unsuccessful negotiations, and the danger and difficulty of the subject, "alike honorable and advantageous to each of the high con-

tracting parties, and that Lord Ashburton, who conducted the negotiations which led to that treaty, deserves for that service the thanks of this House."

Before time could be allowed for Mr. Hume's motion, a similar resolution was offered in the House of Lords by Lord Brougham, and was debated on the 17th of April.

Lord Brougham contended that every object of the negotiation had been secured by the treaty, no interest was sacrificed, and nothing given up which it was important to retain. In the case of the Caroline, a dignified and becoming explanation had been given and received, and the matter settled in a manner honorable and satisfactory to all parties. The case of the Creole was of great difficulty, but had been settled on a fair basis. The right of search, he declared, was not involved at all. No material misunderstanding could possibly arise. There was no absolute right of search, but it depended on treaty stipulations, and those the United States had never entered into. The right of visit had been allowed under proper qualifications. The matter was clearly and fairly settled. In the fixing of the boundary, there had been no sacrifice of honor. All the evidence was stronger in favor of the line claimed by America than for that of England, but America had made the largest concessions. And, after all, the peaceable settlement of the question was of more importance than any concession would be. The Dutch line was better than the English had a right to expect, but the one obtained was better yet. Much had been said of a map referred to by Dr. Franklin in a letter to Count de Vergennes, "in which," the doctor says, "I have traced what I take to be the line in Mr. Oswald's treaty." There had been an unsuccessful search for this map, and there was no evidence that the one recently found by the Americans was the same. In fact, it could not be made to tally with the description in the treaty, and was worthless as evidence. Mr. Webster was under no obligation to produce this map as evidence against himself. There were two maps in the possession of the English authorities—one of them by Mr. Faden, George III.'s geographer—which laid down the boundary as claimed by the Americans. Why did not Lord Ashburton take these out to damage his own claims? They were much more likely

to be authoritative. Finally, Lord Ashburton had accomplished in a few months what his assailants, when in office, had labored in vain for years to bring about.

The Duke of Cambridge urgently supported the motion, and expressed his hearty approval of Lord Ashburton's course.

The Marquis of Lansdowne opposed the motion as unusual and uncalled for. The negotiations regarding the case of the Caroline were satisfactory, and he had no fault to find with the settlement of the Creole difficulty. The boundary question had not been dealt with in a satisfactory manner. Madawaska was in the possession of British subjects, and ought not to have been abandoned contrary to the wishes of the people. Valuable concessions had been made, in allowing the navigation of the St. John's, and giving up certain tracts of land and positions important to the defence of Canada, while no equivalents were obtained. The question of the right of visit had not been advanced. The labors of Lord Ashburton deserved no such compliment as was proposed, and he therefore moved that the House adjourn.

The Earl of Aberdeen defended the unusual character of the motion, on the ground of the unusual merit of the case. Lord Ashburton was the only man who could have brought about an amicable settlement. Matters had reached a point where delay was dangerous, and the noble lord had removed the causes of irritation and collision, and bestowed a great benefit upon both countries. In the matter of the slave-trade and the right of search, the English had no absolute claim, and the stipulations of the treaty on these points were a great gain.

Lord Campbell was not satisfied with the terms of the treaty. There was no imputation to be cast upon Mr. Webster, but he had been an overmatch for Lord Ashburton. His dispatches showed "infinitely more astuteness, and judgment, and skill, than the noble lord's." The evidence was fuller, and the subject better understood, than at the time of the award of the King of the Netherlands, and all went to prove that the English had a right to the whole of the disputed territory. He believed Franklin's map to be the one by which the treaty was made, and conclusive as evidence. The Creole question was left unsettled and in a difficult position. Lord Ashburton had been

all acquiescence, and did not spiritedly resist (as he ought) Mr. Webster's claim that slaves did not become free in British ports, but left the subject for future settlement, and a source of future trouble. The right of search was absolute and indispensable, and had also been left unsettled to breed difficulty and hostility. The eighth article was a backward step in the abolition of the slave-trade.

Lord Colchester thought the treaty a success, and the eighth article an advance on the slave-trade question.

Lord Denman made some objection to the language and expression of Lord Ashburton's dispatches, as too humble and submissive.

Lord Brougham's motion was agreed to, and Lord Ashburton complimented accordingly.

Mr. Hume's motion came under debate in the House of Commons on the 2d of May.

Mr. Hume spoke in the highest terms of Lord Ashburton, and regretted the attacks which had been made upon him. He had originally thought it a bad appointment, but had been convinced to the contrary by the course of the negotiator. The Treaty of 1783 had been made with an inadequate knowledge of the country, and it was impossible to lay down a line according to its terms. A conventional line only was feasible, and this had been obtained without any important concession, and the cause of past disputes and future danger removed by negotiations satisfactory to reasonable men in both countries. The other questions involved had been settled justly and fairly. Mr. Hume closed by citing precedents for his motion.

Dr. Bowring, in seconding the motion, said that he had read the whole correspondence, and found that it "was conducted in a courteous, pacific, and dignified spirit." Injustice had been done to Lord Ashburton, and therefore this motion was called for.

Sir Charles Napier made a few remarks, censuring the treaty, and moved an adjournment, which was seconded by Captain Berkeley.

Sir H. Douglas thought the friendly spirit in which Lord Ashburton had conducted the negotiation was his chief merit in the matter, and had brought about the successful and satis-

factory result which they proposed to thank him for. He showed, from his knowledge of the country, the advantage of the boundary obtained over the Dutch line.

Mr. Vernon Smith characterized the motion as a "monstrous proposition," for which there was no precedent. He did not believe in thanking the envoy for giving up territory belonging to Great Britain, and abandoning the right of search, and leaving unsettled a large part of the difficulties which he was sent to arrange. He had taken a low and feeble tone, and been too ready to express his cordial and friendly feelings, and had not shown the heart and spirit of an Englishman.

Lord Stanley said, if the motion was unprecedented, the attacks made upon Lord Ashburton called for a distinct recognition of his deserts. The speaker was especially severe upon the language used by Mr. Macaulay. The question of geographical advantage was trifling compared with that of removing the cause of misunderstanding between the two countries, and quieting the dissensions and hostility already awakened and averting those which were impending when Lord Ashburton was sent out. Lord Palmerston's administration had worked upon the difficulty for twelve years without improving its condition, and now it had been satisfactorily settled and put at rest. A decided advance had also been made toward the suppression of the slave-trade. England had no right of search, and only that of visit, to ascertain the real nationality of suspected vessels carrying the American flag. Both countries were now agreed, and Lord Ashburton had gained what Lord Palmerston had sought in vain for twelve years. In the case of the Caroline, concession and explanation had been mutual, and were creditable to both parties. One of the solid advantages of the treaty was attested by the cordial feeling toward Lord Ashburton in America.

Lord John Russell said the right of search had not been settled. The treaty on that point was differently understood in the two countries. Lord Ashburton had been too humble and ready to yield, and Mr. Webster had been unfair in claiming the river St. John's for the boundary, and afterward leaving it, etc.

Sir Robert Peel declared that the popular feeling was satisfied,

and animadverted on the opposition of such men as Palmerston, Russell, and Macaulay, to doing justice to Lord Ashburton. He gave precedents for motions like the present, brought forward by persons not in the ministry, and complained of the "miserable cavilling" at the language and tone of Lord Ashburton.

Lord Palmerston closed the debate, in answer to some of the preceding speakers. There was no apology in the case of the Caroline, and should be none. The provision for coöperating against the slave-trade was inadequate, and no equivalent for the obligations of the Treaty of Ghent. The present motion was a bad precedent. No new possession had been gained, no extension of interests, no new means of defence. It was simply a bad bargain, which was better than none. The vote asked for would be no honor to Lord Ashburton, and would lower Great Britain in the eyes of the world. On a division, Mr. Hume's motion was carried by a large majority.

After some of these debates had reached this country, Mr. Webster, on the 28th of March, addressed his public dispatch to Mr. Everett, in answer to Lord Aberdeen's dispatch of the 18th of January, for the double purpose of putting an end to this misunderstanding, and of setting at rest the question of the right of search, as a right capable of being exercised in time of peace. In this answer, he fully admitted that the claim of a right of search was not discussed during the late negotiation, that no concession on this point was required by the United States or made by Great Britain; and that the stipulations of the treaty were resorted to as a mode of rendering unnecessary both the assertion and denial of the claim by requiring each Government to execute its own laws by visitation of vessels sailing under its flag. The treaty, he said, was clear and intelligible, needing no interpretation and no comment. Having disposed of this point, Mr. Webster proceeded to make known the views entertained by the Government of the United States respecting the alleged right of search or visit. He maintained that there is no established distinction between search and visitation, and that in time of peace there is no right to visit a vessel at sea except in the execution of revenue laws or other municipal regulations, usually done within three leagues of the coast, and that whenever done it is a right of

search. He denied also that the claim of visiting vessels, in order to ascertain their national character in time of peace, can be regarded as a *right;* for, if it be a right, no claim can be made for reparation of injury arising from its fair exercise, which reparation Lord Aberdeen had said his Government would be ready to make. He then declared that the right of every vessel to pursue its course on the ocean, unmolested, in time of peace, involves the right to repel force by force, and that, if persisted in, the claim of visitation must lead to the most serious consequences. His dispatch closed as follows:

"It appears to the Government of the United States that the view of this whole subject, which is the most naturally taken, is also the most legal, and most in analogy with other cases. British cruisers have a right to detain British merchantmen for certain purposes; and they have a right, acquired by treaty, to detain merchant-vessels of several other nations for the same purposes. But they have no right at all to detain an American merchant-vessel. This Lord Aberdeen admits in the fullest manner. Any detention of an American vessel by a British cruiser is therefore a wrong —a trespass—although it may be done under the belief that she was a British vessel, or that she belonged to a nation which had conceded the right of such detention to the British cruisers, and the trespass, therefore, an involuntary trespass. If a ship-of-war, in thick weather, or in the darkness of the night, fire upon and sink a neutral vessel, under the belief that she is an enemy's vessel, this is a trespass—a mere wrong; and cannot be said to be an act done under any right, accompanied by responsibility for damages. So if a civil officer on land have process against one individual, and through mistake arrest another, this arrest is wholly tortious; no one would think of saying that it was done under any lawful exercise of authority, subject only to responsibility; or that it was any thing but a mere trespass, though an unintentional trespass. The municipal law does not undertake to lay down beforehand any rule for the government of such cases; and as little, in the opinion of the Government of the United States, does the public law of the world lay down beforehand any rule for the government of cases of involuntary trespasses, detentions, and injuries at sea; except that, in both classes of cases, law and reason make a distinction between injuries committed through mistake and injuries committed by design; the former being entitled to fair and just compensation, the latter demanding exemplary damages, and sometimes personal punishment. The Government of the United States has frequently made known its opinions, which it now repeats, that the practice of detaining American vessels, though subject to just compensation if such detention afterward turn out to have been without good cause, however guarded by instructions, or however cautiously exercised, necessarily leads to serious incon-

venience and injury. The amount of loss cannot be always ascertained. Compensation, if it be adequate in the amount, may still necessarily be long delayed; and the pendency of such claims always proves troublesome to the Governments of both countries. These detentions, too, frequently irritate individuals, cause warm blood, and produce nothing but ill effects on the amicable relations existing between the countries. We wish, therefore, to put an end to them, and to avoid all occasions for their recurrence.

"On the whole, the Government of the United States, while it has not conceded a mutual right of visit or search, as has been done by the parties to the quintuple treaty of December, 1841, does not admit that, by the law and practice of nations, there is any such thing as a right of visit distinguished by well-known rules and definitions from the right of search.

"It does not admit that visit of American merchant-vessels by British cruisers is founded on any right, notwithstanding the cruiser may suppose such vessel to be British, Brazilian, or Portuguese. We cannot but see that the detention and examination of American vessels by British cruisers has already led to consequences, and fear that, if continued, it would still lead to further consequences, highly injurious to the lawful commerce of the United States.

"At the same time, the Government of the United States fully admits that its flag can give no immunity to pirates, nor to any other than to regularly documented American vessels. It was upon this view of the whole case, and with a firm conviction of the truth of these sentiments, that it cheerfully assumed the duties contained in the Treaty of Washington, in the hope that, thereby, causes of difficulty and difference might be altogether removed, and that the two powers might be enabled to act concurrently, cordially, and effectually for the suppression of a traffic which both regard as a reproach upon the civilization of the age, and at war with every principle of humanity and every Christian sentiment.

"The Government of the United States has no interest, nor is it under the influence of any opinions which should lead it to desire any derogation of the just authority and rights of maritime power. But, in the convictions which it entertains, and in the measures which it has adopted, it has been governed solely by a sincere desire to support those principles and those practices which it believes to be conformable to public law, and favorable to the peace and harmony of nations.

"Both Houses of Congress, with a remarkable degree of unanimity, have made express provisions for carrying into effect the eighth article of the treaty. An American squadron will immediately proceed to the coast of Africa. Instructions for its commander are in the course of preparation, and copies will be furnished to the British Government; and the President confidently believes that the cordial concurrence of the two Governments in the mode agreed on will be more effectual than any efforts yet made for the suppression of the slave-trade.

"You will read this dispatch to Lord Aberdeen, and, if he desire it, give him a copy. I am, sir, etc., etc.,

"D. WEBSTER.[1]

"Edward Everett, Esq., etc., etc."

When this dispatch was communicated to Lord Aberdeen, he frankly made the very important admissions described in the following private letter:

[FROM MR. EVERETT TO MR. WEBSTER.]

"LONDON, *27th April*, 1843.

"MY DEAR SIR: On the 22d instant, as I have informed you in my public dispatch, I called on Lord Aberdeen, and read to him your letter to me of the 28th March, on the subject of visitation and search. He said it was an excellent document; that he did not know that he should wish to alter a word; that he concurred with you in the proposition that there is no such distinction as that between a right of search and a right of visit; that he did not agree with Sir Robert Peel on that point; that perhaps he himself has not expressed himself as distinctly as he might on that head in his letter to me of December 20, 1841; that that letter was written *currente calamo*, and he only wondered that it had stood criticism so well; perhaps he might say that, with the lapse of time, and the progress of the discussion, his ideas had become more definite than they then were."

There was, in truth, no occasion for the British Government to be concerned about the alleged right of search in its connection with the slave-trade, after the Treaty of Washington had been executed. The purpose of the American Government to prevent a fraudulent use of its flag in that trade was fully explained in a private letter to Mr. Everett, which followed Mr. Webster's public dispatch on this subject; and by which Mr. Everett was directed to make known to the British ministry the principles which had been adopted by our Department of State in regard to cases brought before it for its interference.

[TO MR. EVERETT.]

(*Private.*)

"*April* 27, 1843.

"MY DEAR SIR: I send you a copy of the *Intelligencer* of March 25th, and a copy also of that paper of yesterday, for the purpose of drawing

[1] The whole of this dispatch is to be found in Mr. Webster's Works, vi., 331, *et seq.*

your attention to an editorial article in each, for which I am responsible. X, in yesterday's paper, is H—— E——. Disappointment, or some other cause, has led him to rank himself with the *disaffected*. Whatever I do he is sure to find fault with; and, though we used to think him a person of some talent, he is always wrong, growing vain and conceited in his old age, without growing wiser.

"I took a good deal of pains to procure a solemn declaration to be made by the President in his message to the Senate, to the effect that this Government could not and would not interfere in behalf of American vessels found engaged in the slave-trade. I deem this to be of the very first importance. It will check designs of slave-dealing in their bud. I already see consequences of magnitude resulting from it. It is now understood that, in every application for interference made at this department for alleged detention by British cruisers, the case will be strictly inquired into, and closely sifted; and, if just suspicions be awakened, not only will no interference be made, but the case itself will be referred to the prosecuting officers of the Government. I wish Lord Aberdeen and Sir Robert Peel may be assured of this.

"I feel great confidence that the two Governments may escape all future collision or disputes about the right of search; and this is a most desirable object with me. I am well aware that, misled by circumstances, American vessels may sometimes be mistaken for English or Spanish or Portuguese. But, in general, serious consequences in such cases may be avoided, if parties conduct with moderation and prudence. I trust that my last public dispatch to you, the instructions given to our American squadron, the President's message to the Senate, already referred to, and such use as you may properly make of this private letter, will satisfy the British Government of the sincere desire felt by us to accomplish the object, common to both Governments, without prejudice or danger to the just rights of either. Nothing gives me more satisfaction, in leaving this department, than the humble trust that the questions which have existed between the two countries, and which have been subjects of discussion since I came into office, will be found to have been settled in a manner honorable to both, likely to promote harmony and good-will between them, and to preserve the peace of the world.

"Yours always cordially,

"D. W."

It has already been seen in what manner Sir Robert Peel and Lord Ashburton himself treated the discovery of the Paris map, and the bearing of some of the other maps upon the disputed boundary. The use that was made of the Paris map by the opposition rendered it necessary for Sir Robert Peel to bring forward, in the debate of April, another map which became known to him after the treaty had settled the boundary.

This was a copy of Mitchell's map which had been used at Paris by Mr. Oswald, the British commissioner, who negotiated the Provisional Treaty of 1782, and who afterward sent the map home to his Government. With the library of George III. it found its way to the British Museum. It had on it the words "Boundary, as described by Mr. Oswald," in four places.

Lord Brougham said, in the House of Lords, that these words were in the handwriting of the king. The map clearly confirmed the American claim. Under Lord Melbourne's Administration it was discovered in the British Museum, and was placed, with other documents, in the hands of Mr. Featherstonhaugh, who, when Lord Aberdeen became foreign secretary, was directed to hand over all papers relating to the boundary, to Lord Ashburton, on his departure for this country. Mr. Featherstonhaugh kept back this Oswald map, and neither Lord Aberdeen nor Lord Ashburton knew of its existence, until after the treaty had been signed and ratified.

At about the same time another copy of Mitchell's map was found in New York among the papers of Mr. Jay, one of the American commissioners of 1782–'83, with a boundary corresponding to that marked on the Oswald map. Some proceedings in reference to this map took place in the New-York Historical Society, before the intelligence respecting the discovery in London of Mr. Oswald's map reached this country. The following private letters show how Lord Ashburton and Mr. Webster respectively regarded this "battle of the maps":[1]

[TO MR. WEBSTER.]

"LONDON, *April* 28, 1843.[2]

"MY DEAR MR. WEBSTER: I take the opportunity of Mr. Everett's bag to thank you for your last kind letter, and for the information it contained.

"On this side of the water the several debatable subjects connected with our treaty are settling down very satisfactorily in the public mind.

[1] In the *North American Review* for 1843, vol. 56, there is a very learned article by Mr. Sparks on the Treaty of Washington, which contains a detailed account of all the maps bearing on this controversy.

[2] In the 2d volume of Mr. Webster's published correspondence, p. 190, the date of this letter is erroneously printed as if it had been written in 1844. The context shows that it was written as I have dated it.

The battle of the maps, the question whether concessions were made on either side, and by whom, with respect to search or visit, and the admirable reproofs administered by you to the officious interference of Mr. ——; the discussion of all these questions, now pretty nearly exhausted, leaves the universal impression that the treaty was a good and wise measure, and good and wise, because it was fair; so much so, that the critics are at a loss to determine which of us had the advantage in the scramble for the swamps on the St. John's, a dilemma in which it was your wish, as I am sure it was mine, to leave them. The map question now fortunately only interests historians, such as Mr. Sparks and Mr. Bancroft. I am by no means disposed to disturb its sleep, or that either party should find, or think they had found, any thing conclusive, so as to interfere with the conviction that there existed that real shade of doubt or perplexity which could alone be satisfactorily settled by compromise. If we are ever fated to meet again, which I indulge the hope may yet be the case, I should have some curiosity to know how you unravel this, to me, inextricable puzzle; at present I will only say, what I know you will believe, that the discoveries here are quite recent, and were wholly unknown to me when I was at Washington. Not but that I agree entirely with you, that it would have been no duty of mine to damage the cause of my client, yet, at the same time, I perhaps went further in protestations of ignorance than I otherwise should have done. Palmerston has, in Parliament, been the only real adversary of the treaty, and it seems that he is not a disinterested one. His move will probably bring upon me the unusual honor of the complimentary acknowledgment of my services. That in the Lords is already passed with only three dissentient voices. In the Commons the motion is expected to come on next week. The ministers have taken no part in this volunteer proceeding. I send you herewith Brougham's speech, which is, I am told, good; but you will be surprised when I add, that I have not yet read it. The extradition article of the treaty makes some stir with our antislavery people. I have seen some of their deputations, and I hope I have satisfied them; but we shall hear of them, though with no bad consequences, when the bill passes for giving effect to this article. The apprehension is, that some cases of robbery will be got up to claim fugitive slaves. This will certainly require caution with the magistrates in Canada, but I am not fearful of the result; but, should the abuse prove excessive, the remedy is in the power to correct the article. We have now in our new governor-general a very judicious, discreet, and liberal man, upon whose practical good sense full reliance may be placed.

"I can give you no information of what passes in the Old World that you will not have better from your friend, Mr. Everett, who understands us thoroughly, and who is, as you may suppose, a marvellous favorite with us. I am frequently asked whether America furnishes many such men. We were in some anxiety that he might leave us for the Celestial Empire, but I find, as I anticipated, that he will remain with the Terrestrials. He would be much too fine an instrument for such a purpose; it

would be cutting blocks with a razor. You must have no want of coarse instruments for such a purpose. To look after ship-captains and super-cargoes, with very limited powers, is no enviable work, and there seems no alternative between that and sending a parade embassy to Pekin. You need not be afraid of any attempt on our part at exclusion or monopoly. The keeping open the opening we have made is best effected by encouraging the admission of all the world; besides, at present, the system of monopoly is quite out of fashion. On this subject we are shortly to have a heavy parliamentary battle for the admission of your corn through Canada. The result is doubtful, for the country gentlemen are just now very sore and sulky. In other respects I never knew this country more politically easy and quiet, though with much manufacturing distress, which is, however, mending. There is a general impression that England and France are both in safe and prudent hands, with Peel and Guizot, and that the peace of the world will be conservatively maintained. I do not much fear any mischief from your side under such circumstances; but the scheme would be perfect if we could make a triumvirate with your name on the Potomac, and I indulge the hope that some way or other the Great Republic will remain under your guidance.

"With great regard, yours always,

"ASHBURTON.

"P. S.—Recollecting the alarm expressed when I was with you, about our supposed intention of making a lodgment in California, which was, I believe, never dreamt of by anybody here, I should like to know what is thought of the new French Polynesian empire. People now seem to attach little importance to it, and to entertain no apprehensions about it. The Parisians, disappointed that we were not vexed or angry, are already tired with their new toy. To say the truth, after our doings in New Zealand, we could hardly make objections. That establishment was forced upon Government by actual volunteer colonization, which they very reluctantly supported. The general principle of extensive emigration is a favorite remedy of the present day for redundant population. I send you a clever speech of Charles Buller on this subject, which, if you have leisure, will interest you."

[MR. WEBSTER TO MR. EVERETT.]

"WASHINGTON, *April* 25, 1843.

"MY DEAR SIR: Two or three months ago, Mr. P. A. Jay, of New York, one of the sons, as you know, of John Jay, died. About the end of last month it was made known that among his papers was found a copy of Mitchell's map, with evident marks upon it of having belonged to his father, and of having been used in Paris in 1782. The map was carried to Mr. Gallatin, who still keeps up great interest for whatever relates to the boundary question, and Mr. Gallatin thought it of considerable importance, and it was agreed that he should take an occasion to read a lecture

to the New-York Historical Society, of which he is president, on the boundary subject, in which he should explain the bearing of whatever evidence this new-found map might furnish. I happened to be in New York the 6th and 7th of April, and visited Mr. Gallatin, and saw the map.

"His lecture was then fixed for Saturday, the 15th, and I promised to attend. I did attend, heard the lecture, and made a short speech myself. Some account of these things you will see in the papers. Mr. Gallatin's lecture, which is interesting, will be printed by the society, and my little speech, corrected from the newspapers, appended. I have some hopes that the publication will be completed, so that some copies may go to you by this conveyance. If that should happen, please give one to Lord Ashburton, Lord Aberdeen, Sir Robert Peel, etc.

"I had hardly reached my post here, from New York, before I learned by your letters, as well as by the published debates in the House of Commons, that Mr. Oswald's copy of Mitchell's map was at last found. I have read your account of that matter with interest, and have also perused all the debates, down to what I think Lord Ashburton might fairly enough call Lord Palmerston's 'capitulation.'

"You will see that Mr. Jay's map and Mr. Oswald's map are alike. What one proves the other proves. Neither of them is absolutely conclusive, because neither proves the line found upon it to have been drawn in any part after the treaty was agreed to, and for the purpose of setting forth the boundary as agreed to. On the contrary, it is clear that the greater part of the line, called Mr. Oswald's line, never was agreed to. I concur, therefore, entirely in the opinion expressed by Sir Robert Peel, that no map, nor all the maps, settle the question, because they bear no marked lines which may not have been lines of proposal merely. In other words, none of them shows a line, clearly purporting to be a line, drawn for the purpose of showing on the map a boundary which had been agreed on.

"Both these last-discovered maps are evidence, and important evidence; but, in my judgment, more weight attaches to the map published by Behn, under the circumstances of that publication, than to either or both of these. And now, I hope, we have arrived at the end of all investigation of boundary-lines by maps, for I hardly expect any other discoveries will be made. The universal sentiment here is, and certainly I concur in it with very great cordiality, approaching personal gratitude, that Sir Robert Peel treated the matter of the Paris map in a very handsome way. It required of him a degree of manliness and independence, becoming his character, and honorable to his feelings, to rebuke such reproachful charges as those with which Mr. Featherstonhaugh, that man of two countries, had caused the leading presses of London to be filled. It was always surprising to me that the Government of Great Britain employed Mr. Featherstonhaugh. It did not know him as well as you and I know him. He is shallow and conceited, with quite a lurch toward mischief."

In the speech before the Historical Society referred to by Mr. Webster in the foregoing letter, he thus described his own intentions in regard to the Paris map, and the attitude in which he was content to leave the treaty to the judgment of the country.

"With respect, sir, to the publication of Mr. Featherstonhaugh, and the tone of sundry articles in the London press, concerning the Paris map, I hope nobody supposes, so far as the Government of the United States is concerned, that these things are exciting any sensation at Washington. Mr. Featherstonhaugh does not alarm us for our reputation. Assuming that there must either be a second arbitration or a settlement by compromise, finding that no arbitration which did not end in a compromise would be successful in settling the dispute, the Government thought it its duty to invite the attention of the two States immediately concerned to the subject, to ask them to take part in negotiations about to be entered into, with an assurance that no line of boundary should be agreed to without their consent, and without their consent, also, to all the conditions and stipulations of the treaty respecting the boundary. To this the two States agreed, with the limitation upon the consent of their agents, that, with regard to both States, it should be unanimous. In this state of things, undoubtedly, it was the duty of the Government of the United States to lay before these States thus admitted into the negotiations all the information in its power. Every office in Washington was ransacked, every book of authority consulted, the whole history of all the negotiations, from the Treaty of Paris downward, was produced, and, among the rest, this discovery in Paris to go for what it was worth. If these afforded any evidences to their minds to produce a conviction that it might be used to obscure their rights, to lead an arbitration into an erroneous, unjust compromise, that was all for their consideration. The map was submitted as evidence, together with all the other proofs and documents in the case, without the slightest reservation on the part of the Government of the United States. I must confess that I did not think it a very urgent duty, on my part, to go to Lord Ashburton and tell him that I had found a bit of doubtful evidence in Paris, out of which he might, perhaps, make something to the prejudice of our claims, and from which he could set up higher claims for himself, or throw further uncertainty over the whole matter.

"I will detain you, sir, by no remarks on any other part of the subject. Indeed, I had no expectation of being called upon to speak on the subject, in regard to which my own situation is a delicate one. I shall be quite satisfied if the general judgment of the country shall be, in the first place, that nothing disreputable to the Union, nothing prejudicial to its interests in regard to the line of boundary, has been done in the treaty; and in the next place, and above all things, that a fair, honorable, manly disposition, has been manifested by the Government in settling the question, and put-

ting an end to a controversy which has disturbed the relations of the country for fifty years, not always without some danger of breaking the public peace, often with the effect of disturbing commercial intercourse, spreading distrust between those having daily dealings with one another, and always tending to excite alarm, jealousy, and suspicion."

The reader can now look back to the preceding autumn, and consider who was right and who was wrong in respect to the question of Mr. Webster's resignation at that time. Had he then gone out of office, what would have become of the misunderstanding respecting the right of search? Who could have carried the Government and the country through the period when public opinion, on both sides of the Atlantic, was shaping itself into that confirmation of the treaty and its accompanying negotiations which was essential as a popular ratification of the official acts? If he had been out of office in the winter of 1842–'43, he would have been a private man; the dispatch in which he fully answered the claim of a right of search or visitation would not have been written; the President would have been without his powerful aid, in circumstances of great embarrassment; the subject of Oregon would have run wild in Congress; and the China mission would not have been shaped as it was, if, indeed, it had been originated at all. To the subject of Oregon, therefore, and to the China mission we must now turn.

In the negotiations between Mr. Webster and Lord Ashburton, it had not been deemed expedient to attempt the settlement or correction of the boundary between the United States and the British possessions, farther than to the eastern foot of the Rocky Mountains. At that point the boundary, as fixed by former treaties, was on the forty-fifth parallel of latitude. Lord Ashburton did not think it a part of his duty to agree upon a line beyond the mountains, and consequently, after his return to England, it became a question, with President Tyler's Administration, in what manner a settlement of the northern boundary of Oregon could be best accomplished. By the following private letters from Mr. Webster to Mr. Everett, it will be seen that a special mission was thought of for this purpose:

[TO MR. EVERETT.]

"WASHINGTON, *November* 25, 1842.

"MY DEAR SIR: I believe I have nothing which needs to be made the subject of a public dispatch by this conveyance. Some topics, however, in your recent private letters require attention.

"1. The first of these subjects is the Oregon Territory. The President quite agrees with Lord Aberdeen and Sir Robert Peel, that both Governments should avail themselves of the present opportunity to settle, if they can settle, all disputes respecting this territory. Mr. Fox has made us a communication relative to the subject, but before this was received the President had prepared a notice of it, to be inserted in his message to Congress next week. The question is how, or upon what basis, is a negotiation to be opened? The title is disputed between the parties; shall this question of title be referred to a third power? Or, if a compromise be attempted, in what form or on what principle? A division of this territory might naturally be suggested, and at first blush the Columbia River might seem to present itself as a convenient line of division. But there are great peculiarities about this river. It affords very small accommodations to commerce in comparison with its size, or volume of water. For nine months in the year the navigation of its mouth is regarded as impracticable, and for the rest quite uncertain and inconvenient. If we should consent to be limited by the river on the north, we shall not have one tolerable harbor on the whole coast. The straits of St. Juan de Fuca and the inland waters with which they communicate undoubtedly contain all the good harbors between the Russian settlements and California. You remember that, when the subject was last up, there was a proposition that the United States should hold an isolated territory, embracing some of these inland waters, and have a passage through those straits. But disconnected territories are inconvenient, England wants a good harbor in the sound, connected with the ocean, through those straits; she may want also the privilege of transporting furs and other commodities down the river; and I suppose it is an object with her to retain the settlement at Vancouver and the other small settlements farther north, under her jurisdiction and protection. Does she want any more?

"I doubt whether she can contemplate any considerable colonization in those regions. I doubt exceedingly whether it be an inviting country for agricultural settlers. At present there are not above seven hundred white persons on the whole territory, both sides the river from California to latitude fifty-four, north, and about twenty thousand Indians. It has been suggested that the line of boundary might begin on the sea, or the entrance of the straits of St. Juan de Fuca, follow up these straits, give us a harbor at the southwest corner of these inland waters, and then continue south, striking the river below Vancouver, and then following the river to its intersection with the forty-ninth degree of latitude north.

"I describe this without reference to the maps, and without having them before me, but you will understand the general idea.

"2. Commercial intercourse. This divides itself into two heads, navigation and commerce.

"1. Navigation. It is not to be disguised that great dissatisfaction exists in this country with the present state of our intercourse with the British colonies. Both Houses of Congress moved on the subject at the last session, and very full and striking reports were made in one of them.

"While our treaty with England gives us a fair and equal chance in the direct trade between the United States and the English possessions in Europe, our navigation is exposed to great inconveniences in all that regards intercourse with the British West Indies.

"This is a proper subject for negotiation, and the President would be happy that the two Governments should agree to take it into consideration.

"2. Commerce. By this I mean the question of duties about which, as you know, General Green had conversation with Lord Ripon and Mr. McGregor. This matter is difficult and delicate. We regard the primary object of duties to be revenue, and the power of laying duties is one of the express grants to Congress. How far can the treaty-making power be properly extended in these cases? We have had but two instances, I think, and both under very particular circumstances, and very much limited, and yet both a good deal complained of. If you have the means at hand, turn to the debates of 1796, on the treaty-making power, its just nature and extent. See especially Mr. Madison's speech, Mr. Smith's of New Hampshire, and Mr. Giles's. Mr. Madison's general notion was, that the treaty-making power ought not to be so far extended as to interfere with subjects, a power over which was especially granted to Congress by the Constitution. And, perhaps, this doctrine cannot well be disputed. Any attempt, therefore, to regulate duties by treaties, must be very well considered before it is entered upon.

"As to intercourse with the colonies, if something be not soon done by treaty, there is great probability that Congress will be induced to make it the subject of legislative enactments.

"I believe the President would be gratified if you should incidentally converse with Lord Aberdeen on these subjects, and learn, so far as you can, his inclinations. On the commercial part of the case, you may, perhaps, find occasion to say something to Lord Ripon or Mr. Gladstone. It will be very well to hold up to Lord Aberdeen the great importance of settling the Oregon business, the probability that Congress may provide for sending a force into this region, etc. And you may very safely assure the gentlemen connected with the Board of Trade, that we shall be after them, by acts of Congress, unless they will come to some reasonable relaxation of their present system of colonial intercourse. As Lord Ashburton will probably be in town by January, you will have opportunity of falling into conversation with him on this subject, which I hope you will improve.

"My family is yet at the North, but I look for Mrs. Webster to join me this week. . . . My health is quite good, and I mean to take political events with a good deal of philosophy. I pray you to make my most kind remembrances to Mrs. Everett and your daughters, and believe me, my dear sir, ever most truly yours,

"DANIEL WEBSTER.

"P. S.—I was excessively proud of what you repeat Mr. Rogers to have said of my letter on impressment, as well as by your own friendly sayings on that point. I must confess I never took more pains to make a clear case, and to put it in a short compass. Pray give Mr. Rogers and his sister assurances of my most sincere and cordial regard."

[TO MR. EVERETT.]

"WASHINGTON, *January* 29, 1843.

"MY DEAR SIR: Your dispatch and private letter, by the Caledonia (January 3d), were received yesterday; and I write this hastily, as it must leave Washington to-morrow morning in order to reach the vessel at Boston before her departure on the 1st of February.

"You will have noticed that the business of the Oregon Territory is exciting a good deal of interest in Congress. A bill was introduced into the Senate by Dr. Linn, not only for extending commercial jurisdiction over our citizens in that region (after the example of the English statute), but also making prospective regulations for granting land to settle. This latter part of the measure is opposed as being inconsistent with existing arrangements between the two governments. Mr. Calhoun, Mr. Berrien, Mr. Choate, Mr. McDuffie, and others, have spoken strongly in opposition to the bill; and Mr. Benton, Dr. Linn, Mr. McRoberts, and other Western gentlemen, in favor of it; the probability is, it will not pass the Senate. This new outbreak of interest and zeal for Oregon has its origin in motives and objects this side the Rocky Mountains. The truth is, there are lovers of agitation; and when most topics of dispute are settled, those which remain are fallen on with new earnestness and avidity. We feel the importance of settling this question if we can, but we fear embarrassments and difficulties. Not, perhaps, so much from the subject itself as from the purposes of men and of parties connected with it. Mr. Calhoun distinguished himself by his support of the late treaty. You know his position before the country in regard to the approaching election of President. Mr. Benton, as leader of the Van Buren party, or at least of the more violent part of it, is disposed to make war upon every thing which Mr. Calhoun supports, and seems much inclined at present to get up an anti-English feeling whenever and wherever possible. You have read his speech on the treaty, written, as is said, after the adjournment of the Senate. In the spirit of this speech he fell upon Oregon; and the treaty and the Oregon questions are now under discussion together.

"I have conversed with the President since he was made acquainted with the contents of your last private letter.

"We gather from that that Lord Aberdeen and Lord Ashburton are, on the whole, of opinion that a special mission would hardly be advisable. But the President still retains a strong impression that such a measure would be useful. . . .

"We hope to hear from you again before the rising of Congress, and perhaps your next communication will determine the President's mind on the subject of the extra mission. I believe the gentlemen of the Cabinet are all in favor of the measure, and that Mr. Calhoun and his friends in the Senate also think well of it. As to the person who would be sent, I suppose I may say the President would probably nominate me, if I should incline to go; but it is a question I should have great doubts about. . . .

"You are aware that, if Congress should be now called on for an appropriation for the outfit and salary of a minister, he must be nominated to the Senate at the present session, according to their ideas of the powers of the President, which Southern gentlemen (and the President himself) have held. This may probably oblige the President to come to a conclusion on the subject sooner than may be convenient or might be wished.

"If nothing should be heard from you before the 3d of March, either to confirm or to weaken the President's present impression, it is quite possible he may recommend provision for the mission to Congress, and nominate the minister, and yet not dispatch him till more information be received, or further consultation had. If, therefore, you should hear of a nomination, you will infer that a mission is absolutely decided on.

"On receipt of this, I wish you would hold a free and confidential conversation with Lord Aberdeen on the various points suggested in this private letter. The President has the strongest desire to settle this Oregon dispute, as well as every other difficulty with England. We all fully believe that the English Government is animated by an equally just and friendly spirit. Both Governments would, undoubtedly, rejoice to see the object accomplished soon. The way of accomplishing it, then, becomes a subject for mutual consultation; and you may assure Lord Aberdeen of, what I hope he does not doubt, the perfect sincerity, good faith, and spirit of amity, with which we shall receive and reciprocate an interchange of unofficial opinions as to the course which the interest of both countries requires should now be adopted.

"Your answer to this may be expected by the steamer which shall leave Liverpool on the 4th of March, and, on its receipt here, the President will make up his mind, if not done before, as to future proceedings.

"No gentleman has yet been named as successor to General Cass. You will see that the President has recommended to Congress to make provision for some sort of a mission to China. If the provision should be ample, and you were in the country, I think I should advise the President to send you to the Celestial Empire. It would be a mission full of interest, and, with your powers of application and attainment, you would

make great addition to your stock of ideas. I have great difficulty in fixing upon a proper person.

"Be kind enough to make my most friendly regards to your family; and believe me, always most truly,

"Your friend and obedient servant,

"D. W.

"Edward Everett, Esq., etc., etc."

The China mission, alluded to in the latter part of this letter, had been proposed by the President in a message to Congress, of December 30, 1842, which was written by Mr. Webster.[1] He had foreseen that the result of the English war with China was destined to change the relations of that great empire with the Western nations. The treaty by which that war was closed had opened to the English four of the ports of China. In a spirit of prophecy, the fulfilment of which we are now witnessing, Mr. Webster said in the message:

"The peculiarities of the Chinese Government and the Chinese character are well known. An empire supposed to contain three hundred millions of subjects, fertile in various rich products of the earth, not without the knowledge of letters and of many arts, and with large and expensive accommodations for internal intercourse and traffic, has for ages sought to exclude the visits of strangers and foreigners from its dominions, and has assumed for itself a superiority over all other nations. Events appear likely to break down and soften this spirit of non-intercourse, and to bring China, ere long, into the relations which usually subsist between civilized states. She has agreed, in the treaty with England, that correspondence between the agents of the two Governments shall be on equal terms; a concession which it is hardly probable will hereafter be withheld from other nations."

The plan which he formed for the commencement of international relations between China and the United States—a measure that was not to be extorted by arms, but to be the result of a voluntary concession, and therefore to be the forerunner of still greater changes in the spirit of Chinese intercourse with the Western world—was but partially developed in the message of December. Until the commissioner had been selected, Mr. Webster could not fully unfold the method of accomplishing the object, since much must depend upon the person who was to undertake it. Both the President and

[1] The message is to be found in Works, vi., 463, *et seq.* It embraced also the subject of intercourse with the Sandwich Islands, and contained a recommendation to enlarge the functions of the American consul in those islands.

Mr. Webster desired to intrust this very important matter to Mr. Everett; and, while the bill authorizing the appointment of a commissioner was pending in the Senate, Mr. Everett was nominated for the post. The following private letter to him explains the circumstances attending this nomination, and fully refutes the charge, made in some of the party newspapers of the time, that Mr. Webster proposed this arrangement because he desired to succeed Mr. Everett in England:

[TO MR. EVERETT.]

"WASHINGTON, 10*th March*, 1843.

"MY DEAR SIR: By an official dispatch of this date, I communicate to you your appointment as commissioner to China. It was not expected that any appointment would have been made so soon. The bill, as it passed the House under the recommendation of Mr. Adams, gave the President an authority to be exercised whenever he should think proper. While it was in the Senate, and at the very last hour of the session, an amendment was made requiring the assent of the Senate to the appointment of a commissioner. An immediate nomination, therefore, became necessary. Your name was sent in, and the nomination confirmed with very general satisfaction. I believe, indeed, without any opposition.

"The appointment gives, I think, universal pleasure. The President is sincerely desirous that you should accept the appointment, because he thinks you eminently fitted to fulfil its duties.

"You see it said in the newspapers that the object in nominating you to China is to make way for your humble servant to go to London. I will tell you the whole truth about this without reserve.

"I believe the President thinks that there might be some advantages from an undertaking by me to settle remaining difficulties with England. I suppose this led him to entertain the idea, now abandoned (at least for the present), of an extra mission; but, in the present state of things, I have no wish to go to England—not the slightest. To succeed you in England for the mere purpose of carrying on for a year or two the general business of the mission is what I could not think of. I do not mean only that I would not be the occasion of transferring you elsewhere for any such purpose; but I mean that, if the place were vacant, I would not accept an appointment to fill it, unless I knew that something might be done beyond the ordinary routine of duties. At present I see little or no prospect of accomplishing any great object.

"Embarrassed as the Administration is here, and difficult as are the questions with which it has to deal, I find my hopes of success faint. Besides, I do not know who is to fill this place (which I suppose I shall soon vacate), and therefore cannot anticipate the instructions which I might

receive. The President is most anxious to signalize his administration by an adjustment of the remaining difficulties with England, and by the making of a beneficial commercial arrangement. If, for that purpose, a negotiation could be carried on here, I would give the President all the aid in my power, whether in or out of office, in carrying it forward. But, without seeing clearly how I was to get through, and arrive at a satisfactory result, I could not consent to cross the water. I wish you, therefore, to feel that, as far as I am concerned, your appointment to China had not its origin in any degree in a desire that your present place should be vacated. If it were vacant now, or should be vacated by you, there is not one chance in a thousand that I should fill it.

"In a former communication, if not in more than one, I hinted to you that we had thought of you for China. We are now in hourly expectation of the Great Western from Liverpool, March 11th, and coming by way of Madeira; and the packet from Liverpool of the 4th ult. may be looked for in eight or nine days. In writing to me, by one or the other of these conveyances, you may possibly have said something about China. If I should find you speaking upon the subject of the mission, as if it were entirely out of the case for you to think of it, perhaps the President would be authorized to consider such declaration as a declining. Your language must, however, be very strong before he would give it that construction.

"You will observe that, while the Act of Congress imposes a limit on your annual compensation, it does not affect the President's discretion in regard to an outfit. The President is not only desirous, but anxious that you should undertake the mission, as he knows nobody so well qualified, and he is disposed to be as liberal in his allowance as the law and his public duty will allow. The extent of contingent expenditures cannot be foreseen, nor the duration of the mission known. If it should last longer than was contemplated, or the contingencies prove greater, and necessarily so great as not to be capable of being paid out of the specific appropriation, aided, as far as might be proper, by the fund for general contingencies of foreign intercourse, Congress will soon be in session again, and no doubt would readily make all further necessary appropriations.

"It is not intended to dazzle the emperor by show, nor soothe him by presents. Still the mission should be respectable, and the commissioner should have the means proper and necessary to carry forward the undertaking.

"*March 14th.*—The Great Western arrived at New York on the 12th, and we ought to have received whatever she brought for us last evening; but nothing came. As her route was to be circuitous, perhaps nothing was sent by her, but I incline to think some accident happened to delay the bag at New York. As the vessel sails on her return on the 18th, any thing for Europe must be mailed here to-day. I shall remain in the department till the arrival of the mail this evening (eight o'clock), and, if any thing comes from you, will acknowledge it, and contrive to get my letters to New York in season by express or otherwise.

"I see that a debate has been had in the Lords on the treaty, right of search, etc., and that a discussion on the same topics was expected to occur in the Commons on the 23d.

"It has been my purpose to send to you, by this conveyance, a dispatch, in reply to that read to me by Mr. Fox from Lord Aberdeen. The paper is drawn; but I am now inclined to wait till I have an opportunity of reading the debates of which I have spoken.

"The Liverpool packet, now out ten days, may be expected in six or seven more, and will be likely to bring us the 'tart reply, the learning, and the logic and the wit.'

"Mr. Adams came to see me yesterday. He feels the greatest anxiety that you should undertake the Chinese mission, which he regards as a most important affair. I think Fletcher Webster will go out as secretary. I might have mentioned, when speaking of your compensation, that, if you return to the United States before departing to China, you will, of course, have your return allowances.

"F. W. thinks it would be most agreeable to go by the Mediterranean and the overland route. That might be done, and a vessel-of-war, sent a sufficient length of time in advance, might take you up at Aden or Bombay. In all these things your wishes would be much consulted. "Your friend and obedient servant,

"D. W.

"Edward Everett, Esq., etc., etc."

The office of commissioner to China was declined by Mr. Everett. Mr. Caleb Cushing was selected, and accepted the appointment; and Mr. Fletcher Webster was made Secretary of the Legation.

In the instructions to Mr. Cushing, Mr. Webster fully described the purpose of this undertaking, and directed the mode in which it was to be carried out. The great object was, as stated in these instructions, to obtain a treaty of commerce such as had been concluded between England and China, and, if possible, by fuller and more regular stipulations, "to conduct Chinese intercourse one step farther toward the principles which regulate the public relations of the European and American states." For this purpose, the instructions given to the commissioner laid down a line of conduct that was singularly adapted to the very peculiar requirements of the case. No one, who reads those instructions, will fail to be impressed by the skill with which the commissioner was guided in this effort to penetrate the exclusive region of Chinese manners, policy, and ideas, and to bring about the

unprecedented result of a voluntary intercourse with one of the Western nations. It was under these instructions that Mr. Cushing successfully accomplished this object.[1]

Among the other official duties of this year was that of disavowing the capture of Monterey by Commodore Jones, commanding the United States squadron in the Pacific.[2]

The reception of the English treaty on the Continent of Europe, so far as it affected any question in which other nations were concerned, was all that Mr. Webster could have desired. He had made it manifest that the slave-trade could be suppressed without yielding to the British claim of a right of search, either by concession in a treaty or otherwise. He had thus solved a difficulty which had embarrassed every commercial power, and which had been a special subject of French jealousy—a jealousy that had almost overthrown the administration of M. Guizot, after he had proceeded nearly to the consummation of a treaty with England, conceding the mutual right of search.

But there was an incident connected with the reception of the Treaty of Washington in Europe, which, though very personal in its character, demands some explanation here. This incident was the course of General Cass in regard to the treaty.

General Cass had been the minister of the United States in Paris since the period when he was appointed to that place by Mr. Van Buren. He had long enjoyed an intimate acquaintance with King Louis Philippe, and was on terms of private friendship with the leading members of his ministry. He took an early stand, without any special instructions from his own Government, against the ratification of what was called the Quintuple Treaty. This was a convention signed in London on the 20th of December, 1841, between the plenipotentiaries of England, France, Austria, Russia, and Prussia, agreeing on the exercise of a mutual right of search of vessels sailing under their respective flags, and suspected of being engaged in the slave-trade. The controversies on this subject which had sprung up between the United States and Great Britain

[1] The instructions may be found in Mr. Webster's Works, vi., 463–477. The treaty negotiated by Mr. Cushing bears date July 3, 1844.

[2] For the correspondence on this subject, see Works, vi., 460, *et seq.*

awakened the attention of public men in Europe, and the ratification of the Quintuple Treaty was vigorously resisted by the French opposition. General Cass, thinking that this transaction, if concluded, would have a prejudicial effect on his own country, took two steps in regard to it—one in his official and one in his private capacity—but without waiting for instructions in respect to either.

On the 13th of February (1842) he had an interview with M. Guizot, and read to that minister a letter in the nature of a protest against the ratification by France of the Quintuple Treaty. In this letter he took upon himself the sole responsibility for this interference, but offered to inform M. Guizot if his course should be approved by his own Government. At about the same time he published a pamphlet on the subject of the Right of Search, which attracted much attention among the publicists and statesmen of Europe, and considerably strengthened the opposition to the Quintuple Treaty. In taking these steps, General Cass was influenced by the apprehension that the parties to the Quintuple Treaty, if it should be ratified, would undertake to enforce its stipulations upon other powers; an opinion in which M. Guizot did not concur. The result of the opposition to the treaty was a vote of the French Chambers, which created a great embarrassment for the ministry.[1]

[1] It was afterward claimed by General Cass that the rejection of the Quintuple Treaty by the French Government was not caused by the Treaty of Washington; that this rejection was a foregone conclusion at the time of the adjournment of the Chambers in June (1842), and that the Treaty of Washington was not confirmed by the Senate until August 23d, and was not ratified until October 13th. On the other hand, Mr. Wheaton, then our minister at Berlin, wrote to Mr. Webster, under date of November 16th:

"The arrangement it" (the Washington Treaty) "contains on the subject of the African slave-trade is particularly satisfactory, as adapted to secure the end proposed by the only means consistent with our maritime rights. This arrangement has decided the course of the French Government in respect to this matter." General Cass afterward spoke of this statement, in the Senate (April, 1846), as Mr. Wheaton's "anachronism." But it is to be observed that Mr. Wheaton spoke of the course of the French *Government* as having been decided by the Treaty of Washington. There is no doubt that General Cass's exertions prior to June increased the opposition to the Quintuple Treaty, and they may have assisted to produce the vote of the Chamber of Deputies which implied a censure on the ministry of M. Guizot for negotiating it. But M. Guizot did not resign in consequence of that vote; he waited further developments, and if, as Mr. Wheaton further intimated, his course in regard to the ratification of the Quintuple Treaty was not decided until after the Treaty of Washington, and after the latter had been concluded he signified to the British ministry that he should not go on with the former, there was no "anachronism" in Mr. Wheaton's statement. From what was said by M. Guizot in the Chamber of Peers in January, 1843, it is fairly to be inferred that it was not until February, 1842, or afterward, that the French minister in London was instructed to signify to Lord Aberdeen that the Treaty of 1841 (the Quintuple Treaty) could not be ratified as it stood. Probably the historical truth is, that, while the vote of the Chamber of Deputies, in the session of 1842, placed the French ministry in a position of great embarrassment in regard to their existing negotiations with England on the right of search, it was the Treaty of Washington and its

The course of General Cass was approved by the President, and the following private note to Mr. Webster expressed the approval which was afterward given officially:

[FROM PRESIDENT TYLER.]

"DEAR SIR: I have risen from the perusal of the foreign newspapers with a feeling essentially in favor of General Cass's course.

"The message has been the basis of his movements, and the refusal of France to ratify the treaty of the five powers gives us more sea-room with Lord Ashburton. To guard against contingencies, Todd ought to converse freely with Nesselrode, and particularly on the importance with Russia in maintaining the freedom of the seas.

"The *Times* of London assumed a tone which looked confoundedly as if the ratification by the five powers was afterward to be proclaimed as equivalent to the establishment of a new rule of national law.

"Yours truly,

"J. TYLER.

"Mr. Webster."

The following is the official dispatch by which the approval was communicated:

[MR. WEBSTER TO GENERAL CASS.]

"DEPARTMENT OF STATE, WASHINGTON, *April* 5, 1842.

"SIR: By the arrival of the steam-packet at Boston on the 27th day of last month, I had the honor to receive your several dispatches down to the 26th of February. That vessel had been so long delayed on the passage to America that, after the receipt here of the communications brought by her, there was not time to prepare answers in season to reach Boston before the time fixed for her departure on her return. The most I was able to do was to write a short note to Mr. Everett, to signify that the mail from London had come safe to hand.

"The President has been closely attentive to recent occurrences in Europe connected with the treaty of the five powers, of which we received a copy soon after its signature, in December. He has witnessed with especial interest the sentiments to which that treaty appears to have given rise in France, as manifested by the debates in the Chambers, and the publications of the Parisian press; and he is now officially informed of the course which you felt it to be your duty to take, by the receipt of a copy of the letter addressed by you to M. Guizot, on the 13th of February.

mode of disposing of that question which enabled the French Government to retreat from a final concession of the right of search, as stipulated in the Quintuple Treaty, and to fall back upon the *status quo* as it existed under former treaties respecting the slave-trade.—(See a conversation on the subject between Mr. Webster and General Cass in the Senate, April 8, 1846.—*Globe*, 1*st sess.*, 29*th Cong.*, p. 627, *et seq.*)

"When the President entered upon the duties of his present office, in April of last year, a correspondence, as you know, had been long pending, and was still pending, in London, between the minister of the United States and her Britannic Majesty's Secretary of State for Foreign Affairs, respecting certain seizures and detentions of American vessels on the coast of Africa by armed British cruisers; and generally respecting the visitation and search of American vessels by such cruisers in those seas. A general approbation of Mr. Stevenson's note to the British minister, in regard to this subject, was soon after communicated to that gentleman, by the President's order, from this department. The state of things in England in the early part of last summer did not appear to favor a very active continuance or prosecution of this correspondence; and, as Mr. Stevenson had already received permission to return home, new instructions were addressed to him.

"Circumstances occurred, as you are aware, which delayed Mr. Everett's arrival at the post assigned to him as minister to London; and, in the mean time, in the latter part of August, the correspondence between Lord Palmerston and Mr. Stevenson was, somewhat unexpectedly, resumed, not only on the subject of the African seizures, but on other subjects.

"Mr. Everett arrived in London only in the latter part of November; and, in fact, was not presented to the Queen till the 16th day of December. While we were waiting to hear of his appearance at his post, the session of Congress was fast approaching, and, under these circumstances, the President felt it to be his duty to announce publicly and solemnly the principles by which the Government would be conducted in regard to the visitation and search of ships at sea. As one of the most considerable commercial and maritime states of the world, as interested in whatever may, in any degree, endanger or threaten the common independence of nations upon the seas, it was fit that this Government should avow the sentiments which it has heretofore always maintained, and from which it cannot, under any circumstances, depart. You are quite too well acquainted with the language of the message, on which your letter is bottomed, to need its recital here. It expresses what we consider the true American doctrine, and that which will, therefore, govern us in all future negotiations on the subject.

"While instructions for Mr. Everett were in the course of preparation, signifying to him in what manner it might be practicable to preserve the peace of the country consistently with the principles of the message, and yet so as to enable the Government to fulfil all its duties, and meet its own wishes, and the wishes of the people of the United States, in regard to the suppression of the African slave-trade, it was announced that the English Government had appointed Lord Ashburton as special minister to this country, fully authorized to treat of and definitely settle all matters in difference between the two countries. Of course no instructions were for-

warded to Mr. Everett respecting any of those matters. You perceive, then, that, up to the present moment, we rest upon the sentiments of the message; beyond the fair scope and purport of that document we are not committed on the one hand or on the other. We reserve to ourselves the undiminished right to receive or to offer propositions on the delicate subjects embraced in the treaty of the five powers, to negotiate thereupon as we may be advised, never departing from our principles; but desirous, while we carefully maintain all our rights to the fullest extent, of fulfilling our duties also as one of the maritime states of the world.

"The President considers your letter to M. Guizot to have been founded, as it purports, upon the message delivered by him at the opening of the present session of Congress; as intending to give assurance to the French Government that the principles of that message would be adhered to, and that the Government of the United States would regret to see other nations, especially France, an old ally of the United States, and a distinguished champion of the liberty of the seas, agree to any arrangement between other states which might, in its influences, produce effects unfavorable to this country, and to which arrangement, therefore, this country itself might not be able to accede.

"The President directs me to say that he approves your letter, and warmly commends the motives which animated you in presenting it. The whole subject is now before us here, or will be shortly, as Lord Ashburton arrived last evening; and without intending to intimate at present what modes of settling this point of difference with England will be proposed, you may receive two propositions as certain:

"1. That, in the absence of treaty stipulations, the United States will maintain the immunity of merchant-vessels on the seas to the fullest extent which the law of nations authorizes.

2. That, if the Government of the United States, animated by a sincere desire to put an end to the African slave-trade, shall be induced to enter into treaty stipulations for that purpose with any foreign power, those stipulations will be such as shall be strictly limited to their true and single object, such as shall not be embarrassing to innocent commerce, and such, especially, as shall neither imply any inequality, nor can tend in any way to establish such inequality in their practical operations.

"You are requested to communicate these sentiments to M. Guizot at the same time that you signify to him the President's approbation of your letter; and are requested to add an expression of the sincere pleasure which it gives the President to see the constant sensibility of the French Government to the maintenance of the great principles of national equality upon the ocean. Truly sympathizing with that Government in abhorrence of the African slave-trade, he appreciates the high motives and the comprehensive views of the true, permanent interest of mankind, which induces it to act with great caution in giving its sanction to a measure

susceptible of interpretations, or of modes of execution, which might be in opposition to the independence of nations and the freedom of the seas.

"I am, etc.,

"Daniel Webster.

"Lewis Cass, Esq., etc., etc., etc."

This was followed by a private letter to General Cass, informing him of the state of things here down to its date, the 25th of April:

[To Lewis Cass, Esq.]

"Washington, 25*th April*, 1842.

"My dear Sir: I have your private letter of the 12th March. Its contents are interesting, as I perceive the lively concern still manifested toward what we may do here respecting the right of visit and of search. We keep ourselves as cool as possible on this subject, not intending to surrender any point of national interests or national honor, and yet resolved to fulfil all our duties respecting the abolition of the African slave-trade. We have come to no understanding as yet with Lord Ashburton upon any of the questions in difference between the two countries, although we have conversed freely in regard to them all. He manifests a good spirit, and assures us of the amiable temper of his Government. There are serious difficulties, however, on some of the questions.

"You will have learned that the ground assumed by us in the Creole case was wholly misunderstood in Europe at the time you wrote me on that subject. The points debated in the English House of Lords, you will have seen, were quite beside the real question. We know not how the facts of the Creole case may eventually turn out, but the general principles stated in my letter to Mr. Everett we shall never relinquish. The boundary question is one of the most troublesome. I am most anxious to terminate that by a just compromise, but State claims interfere, and the matter thus becomes complicated. I will try to send you by this conveyance a letter addressed by me to the Governors of Massachusetts and Maine respectively. The Governor of the former State feels himself authorized to appoint commissioners, and the Governor of the latter will assemble the Legislature.

"Yours, with very kind regard,

"Daniel Webster.

"General Cass."

The conspicuous attitude in which General Cass had thus placed himself in Europe, in reference to this subject, led him to feel himself personally identified with opposition to the right

of search in every form, and to think that his own reputation was involved in the action which might be taken upon it by his Government in the negotiations with Lord Ashburton. When, therefore, he received from Mr. Webster an official communication of the Treaty of Washington and the accompanying correspondence, he thought that the result of the negotiation had a prejudicial bearing on his own position. Mr. Webster had indeed pointed out to him, in his dispatch communicating the treaty, what had now become the American policy, namely:

"First. Independent, but cordially concurrent efforts of maritime states to suppress, as far as possible, the trade on the coast, by means of competent and well-appointed squadrons, to watch the shores and scour the neighboring seas. Secondly. Concurrent, becoming remonstrance with all Governments who tolerate within their territories markets for the purchase of African negroes. There is much reason to believe that, if other states, professing equal hostility to this nefarious traffic, would give their own powerful concurrence and coöperation to these remonstrances, the general effect would be satisfactory, and that the cupidity and crimes of individuals would at length cease to find both their temptation and their reward in the bosom of Christian States, and in the permission of Christian Governments.

"It will still remain for each Government to revise, execute, and make more effectual its own municipal law against its subjects or citizens who shall be concerned in, or in any way give aid or countenance to others concerned in this traffic.

"You are at liberty to make the contents of this dispatch known to the French Government."

Yet, notwithstanding this clear annunciation of the principles of action which lay at the basis of the treaty, General Cass was dissatisfied with it.

It should be mentioned in this connection, however, that General Cass, on the 19th of September, before he had received information of the treaty, had asked to be recalled, on account of his private affairs, and without assigning as a reason any thing in respect to his personal relation to the subject of the right of search or any other public question. The President's assent to his resignation was communicated to him by a dispatch, dated on the 11th of October, with expressions of the fullest approbation of his official course. But, in about

three weeks after this acceptance of his resignation, there was received at the Department of State a dispatch from General Cass, dated at Paris, on the 3d of October,[1] objecting to the treaty, and complaining that he could no longer remain in France, honorably to himself or advantageously to his country; and asserting that the proceedings of the Government had placed him in a false position, from which he could only escape by returning home. He arrived in New York about the middle of November.

Mr. Webster thought this an extraordinary step to be taken by a foreign minister in relation to a transaction that had been already closed by the action of his Government at home, and with which that minister had had no official connection. It was, in fact, a protest against the treaty by a public officer who was not concerned in its negotiation or ratification; and it therefore appeared to Mr. Webster to call for an answer; not only that it might not be drawn into precedent, but that the public records of the country might contain the proper refutation of the objections to the treaty which General Cass had seen fit to place upon these same records. The answer was accordingly prepared, and dated on the 14th of November; and a copy of it was delivered to General Cass after his arrival in this country.

In this answer Mr. Webster said:

"Your letter has caused the President considerable concern. Entertaining a lively sense of the respectable and useful manner in which you have discharged for several years the duties of an important foreign mission, it occasions him real regret and pain that your last official communication should be of such a character as that he cannot give to it his entire and cordial approbation.

"It appears to be intended as a sort of protest, or remonstrance, in the form of an official dispatch, against a transaction of the Government to which you were not a party, in which you had no agency whatever, and for the result of which you were no way answerable. This would seem an unusual and extraordinary proceeding. In common with every other citizen of the republic, you have an unquestionable right to form opinions upon public transactions, and the conduct of public men; but it will hardly be thought to be among either the duties or the privileges of a minister abroad to make formal remonstrances and protests against pro

[1] This dispatch arrived in New York on the 6th of November.

ceedings of the various branches of the Government at home upon subjects in relation to which he himself has not been charged with any duty, or partaken any responsibility.

"The negotiation and conclusion of the Treaty of Washington were in the hands of the President and Senate. They had acted upon this important subject according to their convictions of duty and of the public interest, and had ratified the treaty. It was a thing done; and, although your opinion might be at variance with that of the President and Senate, it is not perceived that you had any cause of complaint, remonstrance, or protest, more than any other citizen who might entertain the same opinion.

"In your letter of the 17th of September, requesting your recall, you observe: 'The mail, by the steam-packet which left Boston the 1st instant, has just arrived, and has brought intelligence of the ratification of the treaties recently concluded with Great Britain. All apprehensions, therefore, of any immediate difficulties with that country are at an end, and I do not see that any public interest demands my further residence in Europe. I can no longer be useful here, and the state of my private affairs requires my presence at home. Under these circumstances, I beg you to submit to the President my wish for permission to retire from this mission, and to return to the United States without delay.'

"As you appeared at that time not to be acquainted with the provisions of the treaty, it was inferred that your desire to return home proceeded from the conviction that, *inasmuch as all apprehensions of immediate differences with Great Britain were at an end*, you would no longer be useful at Paris.

"Placing this interpretation on your letter, and believing, as you yourself allege, that your long absence abroad rendered it desirable for you to give some attention to your private affairs in this country, the President lost no time in yielding to your request, and, in doing so, signified to you the sentiments of approbation which he entertained for your conduct abroad. You may, then, well imagine the great astonishment which the declaration, contained in your dispatch of the 3d of October, that you could no longer remain in France honorably to yourself or advantageously to the country, and that the proceedings of this Government had placed you in a false position, from which you could escape only by returning home, created in his mind.

"The President perceives not the slightest foundation for these opinions. He cannot see how your usefulness, as minister to France, should be terminated by the settlement of difficulties and disputes between the United States and Great Britain. You have been charged with no duties connected with the settlement of these questions, or in any way relating to them, beyond the communication to the French Government of the President's approbation of your letter of the 13th of February, written without previous instructions from this department.

"This Government is not informed of any other act or proceeding of

yours connected with any part of the subject, nor does it know that your official conduct and character have become in any other way connected with the question of the right of search; and that letter having been approved, and the French Government having been so informed, the President is altogether at a loss to understand how you can regard yourself as placed in a false position. If the character or conduct of any one was to be affected, it could only be the character and conduct of the President himself. The Government has done nothing, most assuredly, to place you in a false position. Representing your country at a foreign court, you saw a transaction about to take place between the Government to which you were accredited and another power, which you thought might have a prejudicial effect on the interest of your own country. Thinking, as it is to be presumed, that the case was too pressing to wait for instructions, you presented a protest against that transaction, and your Government approved your proceeding. This is your only official connection with the whole subject. If, after this, the President had sanctioned the negotiation of a treaty, and the Senate had ratified it, containing provisions in the highest degree objectionable, however the Government might be discredited, your exemption from all blame and censure would have been complete. Having delivered your letter of the 13th of February to the French Government, and having received the President's approbation of that proceeding, it is most manifest that you could be in no degree responsible for what should be done afterward, and done by others. The President, therefore, cannot conceive what particular or personal interest of yours was affected by the subsequent negotiation here, or how the treaty, the result of that negotiation, should put an end to your usefulness as a public minister at the Court of France, or in any way affect your official character or conduct.

"It is impossible not to see that such a proceeding as you have seen fit to adopt might produce much inconvenience, and even serious prejudice to the public interests. Your opinion is against the treaty, a treaty concluded and formally ratified; and, to support that opinion, while yet in the service of the Government, you put a construction on its provisions such as your own Government does not put upon them, such as you must be aware the enlightened public of Europe does not put upon them, and such as England herself has not put upon them as yet, so far as we know.

"It may become necessary, hereafter, to publish your letter in connection with other correspondence of the mission; and, although it is not to be presumed that you looked to such publication, because such a presumption would impute to you a claim to put forth your private opinions upon the conduct of the President and Senate in a transaction finished and concluded, through the imposing form of a public dispatch; yet, if published, it cannot be foreseen how far England might hereafter rely on your authority for a construction favorable to her own pretensions, and inconsistent with the interest and honor of the United States. It is

certain that you would most sedulously desire to avoid any such attitude. You would be slow to express opinions in a solemn and official form favorable to another government, and on the authority of which opinions that other government might hereafter found new claims or set up new pretensions. It is for this reason, as well as others, that the President feels so much regret at your desire of placing your construction of the provisions of the treaty, and your objections to those provisions, according to your construction, upon the records of the Government.

"Before examining the several objections suggested by you, it may be proper to take notice of what you say upon the course of the negotiation. In regard to this, having observed that the national dignity of the United States had not been compromised down to the time of the President's message to the last session of Congress, you proceed to say: 'But England then urged the United States to enter into a conventional arrangement by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Till then we had executed our own laws in our own way. But, yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated in a solemn treaty that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose.'

"The President cannot conceive how you should have been led to adventure upon such a statement as this. It is but a tissue of mistakes. England did not urge the United States to enter into this conventional arrangement. The United States yielded to no application from England. The proposition for abolishing the slave-trade, as it stands in the treaty, was an American proposition; it originated with the Executive Government of the United States, which cheerfully assumes all its responsibility. It stands upon it as its own mode of fulfilling its duties, and accomplishing its object. Nor have the United States departed in this treaty in the slightest degree from their former principles of avoiding European combinations upon subjects not American, because the abolition of the African slave-trade is an American subject as emphatically as it is a European subject; and indeed more so, inasmuch as the Government of the United States took the first great steps in declaring that trade unlawful, and in attempting its extinction. The abolition of this traffic is an object of the highest interest to the American people and the American Government; and you seem strangely to have overlooked altogether the important fact that, nearly thirty years ago, by the Treaty of Ghent, the United States bound themselves, by solemn compact with England, to continue 'their efforts to promote its entire abolition,' both parties pledging themselves by that treaty to use their best endeavors to accomplish so desirable an object.

"Again, you speak of an important concession made to the renewed application of England. But the treaty, let it be repeated, makes no concession to England whatever. It complies with no demand, grants no

application, conforms to no request. All these statements, thus by you made, and which are so exceedingly erroneous, seem calculated to hold up the idea that, in this treaty, your Government has been acting a subordinate, or even a complying part.

"The President is not a little startled that you should make such totally groundless assumptions of fact, and then leave a discreditable inference to be drawn from them. He directs me not only to repel this inference as it ought to be repelled, but also to bring to your serious consideration and reflection the propriety of such an assumed narration of facts as your dispatch, in this respect, puts forth.

"Having informed the department that a copy of the letter of the 24th of August, addressed by me to you, had been delivered to M. Guizot, you proceed to say: 'In executing this duty, I felt too well what was due to my Government and country to intimate my regret to a foreign power that some declaration had not preceded the treaty, or some stipulation accompanied it by which the extraordinary pretension of Great Britain, to search our ships at all times, and in all places, first put forth to the world by Lord Palmerston on the 27th of August, 1841, and on the 13th of October following again peremptorily claimed as a right by Lord Aberdeen, would have been abrogated as equally incompatible with the laws of nations and with the independence of the United States. I confined myself, therefore, to a simple communication of your letter.' It may be true that the British pretension leads necessarily to consequences as broad and general as your statement. But it is no more than fair to state that pretension in the words of the British Government itself, and then it becomes matter of consideration and argument how broad and extensive it really is."

Mr. Webster having thus stated the precise position of the British Government previous to the commencement of the negotiations at Washington, proceeded as follows:

"You observe that you think a just self-respect required of the Government of the United States to demand of Lord Ashburton a distinct renunciation of the British claims to search our vessels previous to entering into any negotiation. The Government has thought otherwise; and this appears to be your main objection to the treaty, if indeed it be not the only one which is clearly and distinctly stated. The Government of the United States supposed that, in this respect, it stood in a position in which it had no occasion to demand any thing, or ask for any thing, of England. The British pretension, whatever it was, or however extensive, was well known to the President at the date of his message to Congress, at the opening of the last session. And I must be allowed to remind you how the President treated this subject in that communication.

"'However desirous the United States may be,' said he, 'for the suppression of the slave-trade, they cannot consent to interpolations into the

maritime code at the mere will and pleasure of other governments. We deny the right of any such interpolation to any one, or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code; and, when we are given to understand, as in this instance, by a foreign government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import nor susceptible of misconstruction. American citizens, prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others, nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean; and, if thus molested and detained while pursuing honest voyages in the usual way, and violating no laws themselves, they are unquestionably entitled to indemnity.'

"This declaration of the President stands: not a syllable of it has been, or will be, retracted. The principles which it announces rest on their inherent justice and propriety, on their conformity to public law, and, so far as we are concerned, on the determination and ability of the country to maintain them. To these principles the Government is pledged, and that pledge it will be at all times ready to redeem.

"But what is your own language on this point? You say, 'This claim' (the British claim) 'thus asserted and supported, was promptly met, and firmly repelled by the President in his message at the commencement of the last session of Congress; and, in your letter to me, approving the course I had adopted in relation to the question of the ratification by France of the Quintuple Treaty, you consider the principles of that message as the established policy of the Government.' And you add, 'So far our national dignity was uncompromitted.' If this be so, what is there which has since occurred to compromit this dignity? You shall yourself be judge of this; because you say, in a subsequent part of your letter, that 'the mutual rights of the parties are, in this respect, wholly untouched.' If, then, the British pretension had been promptly met and firmly repelled by the President's message; if, so far, our national dignity had not been compromitted; and if, as you further say, our rights remain wholly untouched by any subsequent act or proceeding, what ground is there on which to found complaint against the treaty?

"But your sentiments on this point do not concur with the opinions of your Government. That Government is of opinion that the sentiments of the message, which you so highly approve, are reaffirmed and corroborated by the treaty and the correspondence accompanying it. The very object sought to be obtained, in proposing the mode adopted for abolishing the slave-trade, was to take away all pretence whatever for interrupting lawful commerce by the visitation of American vessels.

"Allow me to refer you, on this point, to the following passage in the message of the President to the Senate accompanying the treaty:

"'In my message, at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the dignity and honor of the country that it should execute its own laws, and perform its own obligations by its own means and its own power. The examination or visitation of the merchant-vessels of one nation by the cruisers of another, for any purposes except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better by other means to supersede any supposed necessity, or any motive for such examination or visit. Interference with a merchant-vessel by an armed cruiser is always a delicate proceeding, apt to touch the point of national honor as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the Treaty of Ghent, but, at the same time, as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate. The treaty which I now submit to you proposes no alteration, mitigation, or modification of the rules of the law of nations. It provides, simply, that each of the two Governments shall maintain on the coast of Africa a sufficient squadron to enforce, separately and respectively, the laws, rights, and obligations of the two countries for the suppression of the slave-trade.'

"In the actual posture of things, the President thought that the Government of the United States, standing on its own rights and its own solemn declarations, would only weaken its position by making such a demand as appears to you to have been expedient. We maintain the public law of the world as we receive it, and understand it to be established. We defend our own rights and our own honor, meeting all aggression at the boundary. Here we may well stop.

"You are pleased to observe that, 'under the circumstances of the assertion of the British claim, in the correspondence of the British secretaries, and of its denial by the President of the United States, the eyes of Europe were upon these two great naval powers; one of which had advanced a pretension, and avowed her determination to enforce it, which might at any moment bring them into collision.'

"It is certainly true that the attention of Europe has been very much awakened of late years to the general subject, and quite alive, also, to whatever might take place in regard to it between the United States and Great Britain. And it is highly satisfactory to find that, so far as we can learn, the opinion is universal that the Government of the United States has fully sustained its rights and its dignity by the treaty which has been concluded. Europe, we believe, is happy to see that a collision, which might have disturbed the peace of the whole civilized world, has been

avoided in a manner which reconciles the performance of a high national duty, and the fulfilment of positive stipulations, with the perfect immunity of flags and the equality of nations upon the ocean. I must be permitted to add, that, from every agent of the Government abroad who has been heard from on the subject, with the single exception of your own letter (an exception most deeply regretted), as well as from every part of Europe where maritime rights have advocates and defenders, we have received nothing but congratulation. And, at this moment, if the general sources of information may be trusted, our example has recommended itself already to the regard of states the most jealous of British ascendency at sea; and the treaty against which you remonstrate may soon come to be esteemed by them as a fit model for imitation.

"Toward the close of your dispatch you are pleased to say: 'By the recent treaty we are to keep a squadron upon the coast of Africa. We have kept one there for years; during the whole term, indeed, of these efforts to put a stop to this most iniquitous commerce. The effect of the treaty is therefore to render it obligatory upon us, by a convention, to do what we have long done voluntarily; to place our municipal laws, in some measure, beyond the reach of Congress.' Should 'the effect of the treaty be to place our municipal laws, in some measure, beyond the reach of Congress,' it is sufficient to say that all treaties containing obligations necessarily do this. All treaties of commerce do it; and, indeed, there is hardly a treaty existing, to which the United States are party, which does not, to some extent, or in some way, restrain the legislative power. Treaties could not be made without producing this effect.

"But your remark would seem to imply that, in your judgment, there is something derogatory to the character and dignity of the country in thus stipulating with a foreign power for a concurrent effort to execute the laws of each. It would be a sufficient refutation of this objection to say, that, if in this arrangement there be any thing derogatory to the character and dignity of one party, it must be equally derogatory, since the stipulation is perfectly mutual, to the character and dignity of both. But it is derogatory to the character and dignity of neither.

"The objection seems to proceed still upon the implied ground that the abolition of the slave-trade is more a duty of Great Britain, or a more leading object with her, than it is or should be with us; as if, in this great effort of civilized nations to do away the most cruel traffic that ever scourged or disgraced the world, we had not as high and honorable, as just and merciful a part to act as any other nation upon the face of the earth. Let it be forever remembered that, in this great work of humanity and justice, the United States took the lead themselves. This Government declared the slave-trade unlawful; and, in this declaration, it has been followed by the great powers of Europe. This Government declared the slave-trade to be piracy; and, in this, too, its example has been followed

by other states. This Government, this young Government, springing up in this New World within half a century, founded on the broadest principles of civil liberty, and sustained by the moral sense and intelligence of the people, has gone in advance of all other nations in summoning the civilized world to a common effort to put down and destroy a nefarious traffic reproachful to human nature. It has not deemed, and it does not deem, that it suffers any derogation from its character or its dignity if, in seeking to fulfil this sacred duty, it act, as far as necessary, on fair and equal terms of concert with other powers having in view the same praiseworthy object. Such were its sentiments when it entered into the solemn stipulations of the Treaty of Ghent; such were its sentiments when it requested England to concur with us in declaring the slave-trade to be piracy; and such are the sentiments which it has manifested on all other proper occasions.

"In conclusion, I have to repeat the expression of the President's deep regret at the general tone and character of your letter, and to assure you of the great happiness it would have afforded him if, concurring with the judgment of the President and Senate, concurring with what appears to be the general sense of the country, concurring in all the manifestations of enlightened public opinion in Europe, you had seen nothing in the treaty of the 9th of August to which you could not give your cordial approbation."

To this letter General Cass, writing from New York, replied, on the 11th of December, defending his own letter of October 3d, and reiterating his objections to the treaty. Mr. Webster prepared a reply which was dated on the 20th of December, and was in the hands of a clerk to be copied when General Cass arrived in Washington. After several interviews between General Cass and the President and Mr. Webster, the reply was withheld. It became necessary, however, in the following February, that the correspondence should be laid before Congress. Mr. Webster's reply to General Cass's letter of December 11th was then forwarded to him at Detroit, and a copy of it was embraced in the correspondence submitted to Congress. General Cass complained of this in a letter written from Detroit on the 7th of March, and published his letter in the *National Intelligencer*, at Washington, in which he entered into a long vindication of his previous course. The following answer by Mr. Webster, marked "private," explains his view of the circumstances which had made it necessary to detain his letter of the 20th of December:

[TO GENERAL CASS.]

"WASHINGTON, *March* 16, 1843.

"SIR: Your letter of March 7th has been received this morning, and I have hastily glanced, and only glanced, at one or two of its first pages.

"My last official letter to you was in the clerk's hands for copying when you arrived in this city. You remember, doubtless, the various conversations between you and myself, and the President and yourself, and the considerations which led to the postponement of the delivery of that letter to you. Indeed, there was, as you know, no wish on the part of the President to find a necessity for answering your letter of December 11th. But gentlemen not remarkably friendly to the President, though expressing high regard for you, pressed call after call for your correspondence with this department, and it became indispensable to furnish it. You will remember also, that I mentioned to you, on your leaving the city, that if such calls were persisted in, the letter must be sent, and that to this you answered, that it might be transmitted to you, whenever found necessary, and that you would make no reply to it.

"At more leisure I shall peruse your letter carefully, and, if I think occasion requires it, shall write you again; both that letter and this, and any further correspondence on the subject, must be regarded as private; the President having already directed that the official correspondence must be considered as closed.[1] "Yours, with regard,

"D. W

"General Lewis Cass, Detroit, Michigan."

The following is Mr. Webster's letter of December 20th, the delivery of which was delayed until the February following:

[TO GENERAL CASS.]

"DEPARTMENT OF STATE, WASHINGTON, *December* 20, 1842.

"SIR: Your letter of the 11th instant has been submitted to the President. He directs me to say, in reply, that he continues to regard your correspondence, of which this letter is part, as being quite irregular from the beginning. You had asked leave to retire from your mission; the leave was granted by the President, with kind and friendly remarks upon the manner in which you had discharged its duties. Having asked for this honorable recall, which was promptly given, you afterward addressed to this department your letter of the 3d of October, which, however it may appear to you, the President cannot but consider as a remonstrance, a protest, against the treaty of the 9th of August; in other words, an attack upon his Administration for the negotiation and conclusion of that treaty.

[1] It should be stated that General Cass's recollection of the conversations alluded to in this letter differed from Mr. Webster's.

He certainly was not prepared for this. It came upon him with no small surprise, and he still feels that you must have been, at the moment, under the influence of temporary impressions, which he cannot but hope have ere now worn away.

"A few remarks upon some of the points of your last letter must now close the correspondence.

"In the first place, you object to my having called your letter of October 3d a 'protest or remonstrance' against a transaction of the Government, and observe that you must have been unhappy in the mode of expressing yourself, if you were liable to this charge.

"What other construction your letter will bear, I cannot perceive. The transaction was *finished*. No letter or remarks of yourself, or any one else, could undo it, if desirable. Your opinions were unsolicited. If given as a citizen, then it was altogether unusual to address them to this department in an official dispatch; if as a public functionary, the whole subject-matter was quite aside from the duties of your particular station. In your letter you did not propose any thing *to be done*, but objected to what had been done. You did not suggest any method of remedying what you were pleased to consider a defect, but stated what you thought to be reasons for fearing its consequences. You declared that there had been, in your opinion, an omission to assert American rights; to which omission you gave the department to understand that you would never have consented.

"In all this there is nothing but protest and remonstrance; and though your letter be not formally entitled such, I cannot see that it can be construed, in effect, as any thing else; and I must continue to think, therefore, that the terms used are entirely applicable and proper.

"In the next place, you say: 'You give me to understand that the communications which have passed between us on this subject are to be published, and submitted to the great tribunal of public opinion.'

"It would have been better if you had quoted my remark with entire correctness. What I said was, not that the communications which have passed between us *are to be* published, or *must* be published, but that 'it may become necessary hereafter to publish your letter, in connection with other correspondence of the mission; and although it is not to be presumed that you looked to such publication, because such a presumption would impute to you a claim to put forth your private opinions upon the conduct of the President and Senate, in a transaction finished and concluded through the imposing form of a public dispatch; yet, if published, it cannot be foreseen how far England might hereafter rely on your authority for a construction favorable to her own pretensions, and inconsistent with the interest and honor of the United States.'

"In another part of your letter you observe: 'The publication of my letter, which is to produce this result, is to be the act of the Government, and not my act. But if the President should think that the slightest injury to the public interest would ensue from the disclosure of my views,

the letter may be buried in the archives of the department, and thus forgotten and rendered harmless.'

"To this I have to remark, in the first place, that instances have occurred in other times, not unknown to you, in which highly important letters from ministers of the United States, in Europe, to their own Government, have found their way into the newspapers of Europe, when that Government itself held it to be inconsistent with the interest of the United States to make such letters public.

"But it is hardly worth while to pursue a topic like this.

"You are pleased to ask: 'Is it the duty of a diplomatic agent to receive all the communications of his Government, and to carry into effect their instructions *sub silentio*, whatever may be his own sentiments in relation to them; or is he not bound, as a faithful representative, to communicate freely, but respectfully, his own views, that these may be considered and receive their due weight, in that particular case, or in other circumstances involving similar considerations? It seems to me that the bare enunciation of the principle is all that is necessary for my justification. I am speaking now of the propriety of my action, not of the manner in which it was performed. I may have executed the task well or ill. I may have introduced topics unadvisedly, and urged them indiscreetly. All this I leave without remark. I am only endeavoring here to free myself from the serious charge which you bring against me. If I have misapprehended the duties of an American diplomatic agent upon this subject, I am well satisfied to have withdrawn, by a timely resignation, from a position in which my own self-respect would not permit me to remain. And I may express the conviction that there is no government, certainly none this side of Constantinople, which would not encourage rather than rebuke the free expression of the views of their representatives in foreign countries.'

"I answer, certainly not. In the letter to which you were replying it was fully stated that, in common with every other citizen of the republic, 'you have an unquestionable right to form opinions upon public transactions and the conduct of public men. But it will hardly be thought to be among either the duties or the privileges of a minister abroad to make formal remonstrances and protests against proceedings of the various branches of the Government at home, upon subjects in relation to which he himself has not been charged with any duty, or partaken any responsibility.'

"You have not been requested to bestow your approbation upon the treaty, however gratifying it would have been to the President to see that, in that respect, you united with other distinguished public agents abroad. Like all citizens of the republic, you are quite at liberty to exercise your own judgment upon that as upon other transactions. But neither your observations nor this concession cover the case. They do not show that, as a public minister abroad, it is a part of your official functions, in a public dispatch, to remonstrate against the conduct of the Government at home,

in relation to a transaction in which you bore no part, and for which you were in no way answerable. The President and the Senate must be permitted to judge for themselves in a matter solely within their control. Nor do I know that, in complaining of your protest against their proceedings in a case of this kind, any thing has been done to warrant, on your part, an invidious and unjust reference to Constantinople. If you could show by the general practice of diplomatic functionaries in the civilized part of the world, and, more especially, if you could show by any precedent drawn from the conduct of the many distinguished men who have represented the Government of the United States abroad, that your letter of the 3d of October was, in its general object, tone, and character, within the usual limits of diplomatic correspondence, you may be quite assured that the President would not have recourse to the code of Turkey in order to find precedents the other way.

"You complain that, in the letter from this department of the 14th of November, a statement contained in yours of the 3d of October is called a tissue of mistakes, and you attempt to show the impropriety of this appellation. Let the point be distinctly stated, and what you say in reply be then considered.

"In your letter of October 3d, you remark that 'England then urged the United States to enter into a conventional arrangement by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Until then we had executed our own laws in our own way; but, yielding to this application, and departing from our former principles of avoiding European combinations upon subjects not American, we stipulated in a solemn treaty that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose.'

"The letter of this department of the 14th of November, having quoted this passage, proceeds to observe, that 'the President cannot conceive how you should have been led to adventure upon such a statement as this. It is but a tissue of mistakes. England did not urge the United States to enter into this conventional arrangement. The United States yielded to no application from England. The proposition for abolishing the slave-trade, as it stands in the treaty, was an American proposition; it originated with the Executive Government of the United States, which cheerfully assumes all its responsibility. It stands upon it as its own mode of fulfilling its duties and accomplishing its objects. Nor have the United States departed in the slightest degree from their former principles of avoiding European combinations upon subjects not American; because the abolition of the African slave-trade is an American subject as emphatically as it is a European subject, and, indeed, more so, inasmuch as the Government of the United States took the first great step in declaring that trade unlawful, and in attempting its extinction. The abolition of this traffic is an object of the highest interest to the American people and the American Government; and you seem strangely to have overlooked altogether the important fact that, nearly thirty years ago, by the Treaty

of Ghent, the United States bound themselves, by solemn compact with England, to continue their efforts to promote its entire abolition; both parties pledging themselves by that treaty to use their best endeavors to accomplish so desirable an object.'

"Now, in answer to this, you observe in your last letter: 'That the particular mode in which the Governments should act in concert, as finally arranged in the treaty, was suggested by yourself, I never doubted. And if this is the construction I am to give to your denial of my correctness, there is no difficulty upon the subject. The question between us is untouched. All I said was, that England continued to prosecute the matter; that she presented it for negotiation, and that we thereupon consented to its introduction. And if Lord Ashburton did not come out with instructions from his Government to endeavor to effect some arrangement upon this subject, the world has strangely misunderstood one of the great objects of his mission, and I have misunderstood that paragraph in your first note, where you say that Lord Ashburton comes with full powers to negotiate and settle all matters in discussion between England and the United States. But the very fact of his coming here, and of his acceding to any stipulations respecting the slave-trade, is conclusive proof that his Government were desirous to obtain the coöperation of the United States. I had supposed that our Government would scarcely take the initiative in this matter, and urge it upon that of Great Britain, either in Washington or in London. If it did so, I can only express my regret, and confess that I have been led inadvertently into an error.'

"It would appear from all this, that that which, in your first letter, appeared as a direct statement of facts, of which you would naturally be presumed to have had knowledge, sinks at last into inferences and conjectures. But, in attempting to escape from some of the mistakes of this tissue, you have fallen into others. 'All I said was,' you observe, 'that England continued to prosecute the matter; that she presented it for negotiation, and that we thereupon consented to its introduction.' Now, the English minister no more presented this subject for negotiation than the Government of the United States presented it. Nor can it be said that the United States consented to its introduction in any other sense than it may be said that the British minister consented to it. Will you be good enough to review the series of your own assertions on this subject, and see whether they can possibly be regarded merely as a statement of your own inferences? Your only authentic fact is a general one, that the British minister came clothed with full power to negotiate and settle all matters in discussion. This, you say, is conclusive proof that his Government was desirous to obtain the coöperation of the United States respecting the slave-trade; and then you infer that England continued to prosecute this matter, and presented it for negotiation, and that the United States consented to its introduction; and give to this inference the shape of a direct statement of a fact.

"You might have made the same remarks, and with the same propriety,

in relation to the subject of the Creole, that of impressment, the extradition of fugitive criminals, or any thing else embraced in the treaty or in the correspondence, and then have converted these inferences of your own into so many facts. And it is upon conjectures like these, it is upon such inferences of your own, that you make the direct and formal statement in your letter of the 3d of October, that 'England then urged the United States to enter into a conventional arrangement, by which we might be pledged to concur with her in measures for the suppression of the slave-trade. Until then we had executed our own laws in our own way; but, yielding to this application, and departing from our former principle of avoiding European combinations upon subjects not American, we stipulated in a solemn treaty that we would carry into effect our own laws, and fixed the minimum force we would employ for that purpose.'

"The President was well warranted, therefore, in requesting your serious reconsideration and review of that statement.

"Suppose your letter to go before the public unanswered and uncontradicted; suppose it to mingle itself with the general political history of the country, as an official letter among the archives of the Department of State, would not the general mass of readers understand you as reciting facts, rather than as drawing your own conclusions? as stating history rather than as presenting an argument? It is of an incorrect narrative that the President complains. It is that, in your hotel at Paris, you should undertake to write a history of a very delicate part of a negotiation carried on at Washington, with which you had nothing to do, and of the history of which you had no authentic information; and which history, as you narrate it, reflects not a little on the independence, wisdom, and public spirit of the Administration.

"As of the history of this part of the negotiation you were not well informed, the President cannot but think it would have been more just in you to have refrained from any attempt to give an account of it.

"You observe further: 'I never mentioned in my dispatch to you, nor in any manner whatever, that our Government had conceded to that of England the right to search our ships. That idea, however, pervades your letter, and is very apparent in that part of it which brings to my observation the possible effect of my views upon the English Government. But in this you do me, though, I am sure, unintentionally, great injustice. I repeatedly state that the recent treaty leaves the rights of the parties as it found them. My difficulty is not that we have made a positive concession, but that we have acted unadvisedly in not making the abandonment of this pretension a previous condition to any conventional arrangement upon the general subject.'

"On this part of your letter I must be allowed to make two remarks.

"The first is, inasmuch as the treaty gives no color or pretext whatever to any right of searching our ships, a declaration against such a right would have been no more suitable to this treaty than a declaration against the right of sacking our towns in time of peace, or any other outrage.

"The rights of merchant-vessels of the United States on the high-seas, as understood by this Government, have been clearly and fully asserted. As asserted they will be maintained; nor would a declaration, such as you propose, have increased either its resolution or its ability in this respect. The Government of the United States relies on its own power, and on the effective support of the people, to assert successfully all the rights of all its citizens, on the sea as well as on the land; and it asks respect for these rights not as a boon or favor from any nation. The President's message, most certainly, is a clear declaration of what the country understands to be its rights, and his determination to maintain them, not a mere promise to negotiate for these rights or to endeavor to bring other powers into an acknowledgment of them, either express or implied. Whereas, if I understand the meaning of this part of your letter, you would have advised that something should have been offered to England which she might have regarded as a benefit, but coupled with such a declaration or condition as that, if she received the boon, it would have been a recognition by her of a claim which we make as a matter of right. The President's view of the proper duty of the Government has certainly been quite different. Being convinced that the doctrine asserted by this Government is the true doctrine of the law of nations, and feeling the competency of the Government to uphold and enforce it for itself, he has not sought, but, on the contrary, has sedulously avoided to change this ground, and to place the just rights of the country upon the assent, express or implied, of any power whatever.

"The Government thought no skilfully extorted promises necessary in any such cases. It asks no such pledges of any nation. If its character for ability and readiness to protect and defend its own rights and dignity is not sufficient to preserve them from violation, no interpolation of promise to respect them, ingeniously woven into treaties, would be likely to afford such protection. And, as our rights and liberties depend for existence upon our power to maintain them, general and vague protests are not likely to be more effectual than the Chinese method of defending their towns, by painting grotesque and hideous figures on the walls to fright away assailing foes.

"My other remark on this portion of your letter is this: Suppose a declaration, to the effect that this treaty should not be considered as sacrificing any American rights, had been appended, and the treaty, thus fortified, had been sent to Great Britain as you propose; and suppose that that Government, with equal ingenuity, had appended an equivalent written declaration that it should not be considered as sacrificing any British right, how much more defined would have been the rights of either party, or how much clearer the meaning and interpretation of the treaty, by these reservations on both sides; or, in other words, what is the value of a protest on one side balanced by an exactly equivalent protest on the other?

"No nation is presumed to sacrifice its rights, or give up what justly belongs to it, unless it expressly stipulates that, for some good reason or

adequate consideration, it does make such relinquishment; and an unnecessary asseveration, that it does not intend to sacrifice just rights, would seem only calculated to invite aggression. Such proclamations would seem better devised for concealing weakness and apprehension than for manifesting conscious strength and self-reliance, or for inspiring respect in others.

"Toward the end of your letter you are pleased to observe: 'The rejection of a treaty duly negotiated is a serious question, to be avoided whenever it can be without too great a sacrifice. Though the national faith is not actually committed, still it is more or less engaged. And there were peculiar circumstances growing out of long-standing difficulties which rendered an amicable arrangement of the various matters in dispute with England a subject of great national interest. But the negotiation of a treaty is a far different subject. Topics are omitted or introduced at the discretion of the negotiators, and they are responsible, to use the language of an eminent and able Senator, for what it contains and what it omits. This treaty, in my opinion, omits a most important and necessary stipulation; and therefore, as it seems to me, its negotiation, in this particular, was unfortunate for the country.'

"The President directs me to say, in reply to this, that, in the Treaty of Washington, no topics were omitted, and no topics introduced at the mere discretion of the negotiator; that the negotiation proceeded from step to step, and from day to day, under his own immediate supervision and direction; that he himself takes the responsibility for what the treaty contains and what it omits, and cheerfully leaves the merits of the whole to the judgment of the country.

"I now conclude this letter, and close the correspondence by repeating once more the expression of the President's regret that you should have commenced it by your letter of the 3d of October.

"It is painful to him to have with you any cause of difference. He has a just appreciation of your character and your public services at home and abroad. He cannot but persuade himself that you must be aware yourself, by this time, that your letter of October was written under erroneous impressions, and that there is no foundation for the opinions respecting the treaty which it expresses; and that it would have been far better, on all accounts, if no such letter had been written.

"I have, etc.,

"Daniel Webster.

"Lewis Cass, late minister of the United States at Paris."

The joint commission for running and marking the boundary, as designated by the Treaty of Washington, was appointed in the spring of this year. The commissioner on the part of the United States was Mr. Albert Smith, of Maine; Major James D. Graham, of the Topographical Engineers, was placed

at the head of the scientific corps. Mr. Edward Webster, the younger son of Mr. Webster, was made secretary of the commission. The work was most thoroughly and satisfactorily performed in the ensuing summer, with the aid of the British commissioner, Lieutenant-Colonel J. B. B. Estcourt, and his assistants.

# CHAPTER XXX.

## 1843–1844.

RESIGNS THE DEPARTMENT OF STATE—PERSONAL AND OFFICIAL RELATIONS WITH PRESIDENT TYLER—PECUNIARY TROUBLES—RETIRES TO MARSHFIELD—LIFE AT THE SEA-SHORE—SPEECH AT THE ROCHESTER CATTLE-FAIR, ON REPUDIATION—SOLICITED BY THE MASSACHUSETTS WHIGS TO REAPPEAR IN THE POLITICAL FIELD—SPEECH AT ANDOVER—DISCOVERS THE PROJECT FOR THE ANNEXATION OF TEXAS—EFFORTS TO AROUSE THE NORTH IN OPPOSITION TO THIS SCHEME—SOLICITED TO RETURN TO THE SENATE—REASONS FOR DECLINING AT PRESENT—THE CASE OF STEPHEN GIRARD'S WILL—WHIG NOMINATION OF MR. CLAY FOR THE PRESIDENCY—MR. WEBSTER ADVOCATES HIS ELECTION—THE ATTITUDE OF THE TEXAS QUESTION—APPROACHING CONFLICTS IN REGARD TO SLAVERY.

MR. WEBSTER'S work, as Secretary of State, was now done. On the 8th of May, 1843, he resigned. What he had accomplished for the country and for his own lasting reputation has been described. But, in estimating the effect on his own political fortunes of his remaining in Mr. Tyler's Cabinet, it is necessary to recur to the state of things existing between President Tyler and the Whigs, and to speak of that very eminent political leader who controlled, at this time, the course of the Whigs in Congress. This party had been intrusted with the government by the votes of the people, in order, among other purposes, that it might carry out its policy in the establishment of a National Bank.

Such, at least, was the Whig interpretation of the election of 1840; and I have already expressed the opinion that this interpretation was in the main a correct one. But the unexpected accession of Mr. Tyler to the presidency, which brought his peculiar opinions respecting a bank into the Executive office, and enabled him to give them effect through the power of a "veto," caused a sudden and violent opposition to this important object of Whig policy. From the moment of Mr. Tyler's "vetoes," it became the policy of Mr. Clay and his friends—acting, doubtless, under the conviction that it was necessary so to do—to carry this question of a bank, and whatever was connected with it, forward into the next presidential election. As a part of these political tactics, the Whigs in Congress resorted to denunciation of President Tyler. What this produced can be best described in Mr. Webster's own words, which I take from a paper in his handwriting found on his private files of the year 1843:

"The editors of the *Intelligencer*, with an inconsistency no common degree of exasperation can hide from their own eyes, while they attack the President and the Administration every day, in the name of the Whigs of the country, and do every thing—and since September, 1841, have done every thing—in their power, to set all the Whigs in the country against them, constantly complain, nevertheless, or, more properly speaking, constantly fret and scold, at what they consider the efforts of the Administration to conciliate the favor and respect of the other party. The *Intelligencer* would have the Whigs be against the President, but at the same time would have the President be for the Whigs. Not infrequently it repudiates in the hardest terms what it pleases to call 'cooing and courtship' between the President and the Democratic party, in the very same columns in which it accumulates, from its own coinage or other sources, epithets of reproach and contumely against the President, such as never found their way into that paper before, as applied to the chief magistrate of the country, in the forty years of its existence.

"In all this the *Intelligencer* only follows the leaders of the manifesto Whigs, whose conduct, in this respect, we must say, has been characterized by a very remarkable degree of assurance.

"It is fit that the people should always hold in mind the general history of the dissension between the President and the Whig leaders of the present Congress.

"Both the President and the Whig members of the present Congress came into power, on the same tide of popular opinion, in 1840.

"By the death of General Harrison, the Executive authority devolved

on the present President, and the power of Congress, as all the world knows, was wielded by Mr. Clay. Difficulties and discussions arose; Mr. Clay would not take Mr. Ewing's bill for a bank, and the President negatived two subsequent bills. In this state of things the Whigs assembled in the Capitol Square, on the 15th of September, and proscribed the President.

"This is the whole story briefly told. It has been said, that only some forty or fifty members attended the meeting. However that may have been, the meeting purported to be 'A MEETING OF THE WHIG MEMBERS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-SEVENTH CONGRESS.' We believe it true that many Whigs, who did not attend the meeting, and some who did attend, disapproved the proceeding; but neither the one class nor the other had courage to make their absence or their dissent known. They allowed the proceedings to go forth, as the proceedings of the Whigs of both Houses of Congress.

"We need not republish these proceedings; everybody knows that, in substance, they were a violent denunciation of the President, ending with a declaration, that the most they hoped for was, that they might be able *to check or prevent some of the mischiefs which, under a different state of majorities, the President might have the power to impose.*

"Now, can anybody wonder, after this, that the President should withdraw his confidence from the Whigs of Congress? We say, *the Whigs of Congress*, because it is certain that very many of the most respectable and patriotic of the Whig party, *out of Congress*, lamented or reprobated all these proceedings, and still continue to repudiate them, and to deplore the consequences which have flowed from them. But the members of Congress, those who concurred in this manifesto, and those who, not concurring, had not decision enough to make their dissent known, is there any reason for all or any of them to complain that the President has withdrawn his confidence from these persons and given it to others? And the Whig presses which justified, and still justify these and other still more hostile and violent proceedings against the President, with what face can they arraign the President for being untrue to them and their friends in manifesting a desire to throw himself upon the country, upon the patriotic men of all parties, for a reasonable support of the measures of his Administration?

"Time has already shown how really inconsiderable were the grounds upon which the leading Whigs in Congress went into their crusade against the President. Time has already shown how unimportant, practically and really, the measures were which threw them into such a flame. Who cares any thing now about the bank bills which were vetoed in 1841? Or who thinks now that, if there were no such a thing as a veto in the world, a Bank of the United States, upon the old models, could be established?

"But our purpose is not, as proved, to go into an extended discussion upon these matters. It simply is, to present to the view of the world the bold injustice, not to use a stronger phrase, of reviling the President daily,

in the Whig presses, seizing every opportunity to represent the breach between him and the Whigs to be incurable, and at the same time vociferously finding fault that he should think anybody else worthy of his confidence than the leaders of the Whig party.

"The President's course, meantime, we are quite sure, will be commendable. His path is difficult and thorny; but it is short, and he will pursue it unseduced and unterrified by the *ultraism* which would cause him to swerve to the one hand or the other. And while the *Globe* and Mr. Benton assail him daily on one side, and the *Intelligencer* and the partisans of Mr. Clay on the other, the great mass of patriotic citizens, who have no selfish interests in the squabble of parties, will be very likely to think him about right."

The third and last session of the Twenty-seventh Congress commenced on the first Monday of December, 1842, and was to terminate, by law, on the 3d of March, 1843. There were thus about seventy working days, excluding holidays, in which to adopt some plan for the establishment of a national currency, and to transact all the other pressing public business; the Whigs having a majority in both branches. Notwithstanding the previous dissensions between the Whigs in Congress and the President, there was a measure in respect to the currency on which they could have united. This was the plan for an "Exchequer," which had been offered to Congress by the Administration at the previous session. Its chief feature was a power to issue a currency that would be of equal value and credit in every part of the Union, and its chief merit was that, while it was for some purposes a kind of Government bank, it rejected the "old models" of a national bank, which had rendered such an institution obnoxious to a considerable part of the nation. Mr. Webster had become convinced, after what had followed the occurrences of the previous sessions, that a Bank of the United States, founded on private subscription, was out of the question; the capital could not be obtained. He was satisfied that, notwithstanding the apparent popular verdict of 1840, the sentiments and situation of the country on the question of a bank had changed. In speaking, therefore, in Faneuil Hall, in September, 1842, he had pronounced a Bank of the United States, on the old model, to be an "obsolete idea;" and, as the only mode of providing the country with a national currency, useful in all the ramifications of domestic

exchange—the greatest want of the times—he urgently advised the adoption of the "Exchequer" plan, which he pronounced to be, as it came from the Administration, the only measure fit for the adoption of Congress. But it did not suit the Whigs in that body to follow his advice. The time was approaching for the assembly which was to name the next Whig candidate for the presidency. The lead taken by Mr. Clay in the Whig opposition to Mr. Tyler's Administration had placed in the hands of that gentleman a dictatorial power to mould the sentiments and to control the action of the party. The whole subject of the currency was consequently postponed, to be again one of the questions that were to come before the people in a general election. The effect of all this was, that Mr. Clay remained the recognized leader of the Whig party, and was again to be selected as its candidate for the presidency, and to be a second time defeated, although supported by Mr. Webster's powerful aid, principally by the intervention of a new question on which the Whigs in general, and the country at large, did not heed Mr. Webster's remonstrance and warning. It will be for the student of our national fortunes to inquire how the train of evils brought upon this country by the annexation of Texas—how the public disasters which have flowed from this act, as their primary source—might have been prevented, if the Whigs had prudently reserved themselves, in respect to a candidate, to a later period, and had then bestowed their choice upon Mr. Webster. It will be, too, for history to mark, how the ingratitude of a country toward a far-seeing statesman is to be read on the same page on which is recorded the origin of calamities from which he could have saved it; calamities which the remotest posterity must feel, while they trace them to a disregard of advice which did all that human wisdom could do to avert them.

When, therefore, the spring of 1843 arrived, bringing with it the successful accomplishment of all that Mr. Webster had expected to do in regard to our foreign relations, he saw that it was out of his power to effect any good in respect to the currency, or any other public interest, by remaining longer in public life. The relations, too, which had sprung up between President Tyler and some members of the Democratic party,

from the continued assaults made upon him by the Whigs, had come to render Mr. Webster's position in the Cabinet distasteful to him. He could not desire to change his party relations, and did not abandon the hope that more moderate counsels and a different appreciation of their public duty would ere long prevail among the Whigs. While he did not blame President Tyler for accepting, in order to carry on the Government, the aid of persons who were not connected with the party which had placed him at its head, but which yet prevented him from selecting public officers from their own ranks, this necessity at last produced a system of administration in which Mr. Webster could no longer take part.

But the official relations between himself and President Tyler were dissolved with entirely friendly personal feelings toward each other. Mr. Tyler was a man of far more than the average ability of our statesmen, and, had he not incurred the misfortune of being a President without a party to support and assist his administration of the Government, he would have stood well in our political history. The following is a copy of Mr. Webster's letter of resignation, with the President's reply:

[TO PRESIDENT TYLER.]

"*May* 8, 1843.

"MY DEAR SIR: I have caused a formal resignation of my office, as Secretary of State, to be filed in the department.

"In ceasing to hold any connection with the Government, I remember with pleasure the friendly feelings and personal kindness which have subsisted between yourself and me during the time that I have borne a part in your counsels. And I must be permitted to add, that, while entertaining the best wishes for your personal welfare, there is, at the same time, no one who more sincerely or ardently desires the prosperity, success, and honor of your Administration.

"Yours very truly,

"DANIEL WEBSTER.

"John Tyler, President of the United States."

[FROM PRESIDENT TYLER.]

"WASHINGTON, *May* 8, 1843.

"MY DEAR SIR: I have received your note of this day, informing me of your formal resignation of the office of Secretary of State. It only remains for me to reciprocate, as I truly do, the warm sentiments of

regard which you have expressed toward me, and to return you my thanks for the zeal and ability with which you have discharged the various and complicated duties which have devolved upon you. I do not mean to flatter you in saying that, in conducting the most delicate and important negotiations, you have manifested powers of intellect of the highest order, and, in all things, a true American heart.

"Take with you, my dear sir, into your retirement, my best wishes for your health, happiness, and long life.

"John Tyler.

"Hon. Daniel Webster."

[TO PRESIDENT TYLER.]

"Boston, *July* 3, 1843.

"My dear Sir: Before leaving Washington on your tour to the North, you did me the favor to write me respecting a conversation between yourself and Mr. Legaré about the appointment of Mr. M—— as chief clerk in the department. I omitted an answer to that letter, supposing I should have occasion, while you would be here, to speak to you on that subject, and some others, in regard to which I wished to say a word or two. But no such opportunity presented.

"I have certainly no right, nor any disposition, to interfere in appointments, either in the Department of State or elsewhere. But I confess I thought that the proposed appointment of Mr. M—— would have an awkward appearance. He is known to have been a writer for the *Globe* during the greater part of your Administration, and to have been especially abusive upon me politically and personally. It struck me that, under these circumstances, to place him in the department, the moment I left it, would give rise to inferences and remarks which I have no doubt you would wish should not be made. This is the whole of the concern I feel in the matter, except that I look upon Mr. Derrick as a very able, faithful, and competent man, every way qualified to fill the station with credit, and to the advantage of the public. Having said this, I only add that I desire you to act in the matter according to your own sense of propriety and expediency, and to consider me as having no wishes in relation to it. . . .

"On leaving Washington you placed in my hands a commission for Mr. J——, to be consul at Mantanzas in place of Mr. Rodney.

"On reflection I have thought it best not to give the commission to Mr. J——, nor to communicate to him the fact that it was made out. I very much desire Mr. J—— to receive a proper appointment, and reproach myself not a little for having yielded to the importunity of others when I ought to have pressed his pretensions. But perhaps it may be thought that there was some degree of suddenness in issuing this commission; it appears to me safer to return it, and leave the matter for further consideration. . . . "Yours truly,

"D. Webster."

[FROM PRESIDENT TYLER.]

"WASHINGTON, *July* 8, 1843.

"MY DEAR SIR: Your letter of the 3d July reached me last night, and I delay not to say that, the moment I learned your objections to Mr. M——, I abandoned all idea of appointing him chief clerk to the State Department. In fact, I had been wholly ignorant, at the time I thought of making the appointment, of his course toward you. While, therefore, I may give him some other office, I shall certainly not place him in a position which would imply, on my part, any disinclination to comply with your wishes or consult your feelings. . . .

"In furnishing you this explanation, my dear sir, I give you only an additional proof of my sincere regard for you. In fact, no one can possess that feeling toward you in a higher degree. It is for yourself alone. . . .

"You will perceive in the newspapers the disclaimer of the British Government as to the Sandwich Islands. It has been highly gratifying; but, inasmuch as there seemed to be an unnecessary assertion of right to enforce its claims for indemnity for wrongs committed on British subjects, in Mr. Fox's letter, it was considered proper, in the reply of Judge Upshur, to guard against any ambiguous or hidden intent.

"I have nothing from England which gives us the hope that any thing will be done by that Government on the subject of a commercial treaty. Do you get any thing on that subject? Will you permit me, in conclusion, to say, that there is no wish, personal to yourself, which you may entertain, that I shall not be ready most promptly to meet; and any suggestion you may have to make touching our course of public policy will be weighed with the greatest attention.

"Be pleased to present me most respectfully to Mrs. Webster; and be assured of my constant regard.

"JOHN TYLER.

"Hon. D. Webster."

Mr. Webster was arrested, on his way to Boston, by a public dinner, in Baltimore, which was pressed upon him by its most eminent citizens of both political parties. This festival was given on the 18th of May. His speech on this occasion is now chiefly important on account of the opinions which he expressed in regard to the bearing of the treaty-making power on the limitation of duties.[1] As soon as this affair was over, he proceeded at once to Marshfield.

His retirement from public life at this time was not occa-

[1] This speech is not embraced in his collected works. But see Works, v., 135–137, and Correspondence, ii., 196; and see the *National Intelligencer* of May 27, 1843, for the entire speech as reported at the time.

sioned solely by the political events and causes above detailed. His private affairs greatly needed his attention. What they had been since the year 1836 is described by himself in a letter to a friend:

"In 1836, by the aid of friends and my own exertions, I settled up my concerns, and owed no man any thing. I was then desirous of leaving Congress, and resuming professional labor vigorously. But friends opposed it, and my papers of resignation were sent back to me. It was a day of buoyancy and great hope in matters of business, and what money I had, or could get, I laid out in the West, principally in well-selected Government lands. But times soon changed, and I have since had nothing but a struggle."

It is true that, during this period, he had the aid in his private affairs of a devoted friend who was likewise a very able man of business, and who more than once rescued Mr. Webster from serious difficulties in matters of property. This gentleman, it is alike my duty and pleasure to say, was Mr. Richard M. Blatchford, of New York, whose services to Mr. Webster were labors of love. No man, who was not kindred to him in blood, ever had a larger share of his personal affection and confidence. But the disinterested zeal of such a friend could not always prevent a state of embarrassment, which was partly the consequence of Mr. Webster's public position, and partly came from his want of all skill to save, and to accumulate money. He was, in this respect, singularly constituted; and, in undertaking to describe the causes which prevented him from ever becoming a man of wealth, or even of independent circumstances, although I may present traits of character that seem contradictory, yet I am persuaded that those who best knew him will admit my correctness.

From his first entrance into the profession of the law, it had been for him a very easy thing to earn money at the bar; and he had sometimes earned a great deal. In 1823, he was compelled by a general demand to quit a very lucrative practice, and to give himself up to the public service. Still, his income from professional employments continued to be large; but accumulation seemed to become impracticable for several reasons. His very conspicuous position, the attractions of his society, wherever he might be, and his own taste, im-

posed upon him the exercise of a hospitality that could not be carried on without a too large expenditure. During the whole period also, from 1836 to the spring of 1843, at which we are now arrived, his fondness for agriculture had led him to carry on two large estates as a practical farmer; and, although he was, in one sense, a successful farmer, he was never an economical one. He failed in this respect not from want of attention to details, for he could sit at his table, in Washington, and give the most minute directions of what was to be done at Marshfield or at Franklin concerning this herd of creatures or that collection of poultry, or a field of turnips, or a crop of hay, or a clip of wool; and although he kept his eye upon markets, and knew what his farm-laborers were doing every month, and almost every day in the year, and guided them with the exactness of an overseer, and the experience of a day-laborer; although there were few things of a practical nature that he could not do, or direct others how to do, there was one thing that he never did. He never kept regular accounts, or had them kept; and probably there never was a year in which he could have told how much the expensive luxuries of farming had cost him out of his other resources, or what was the balance against either of his farms. It might be unphilosophical to assert that the power to deal with great questions of public policy and to fulfil the highest functions of statesmanship is incompatible with the habits and faculties which lead to the accumulation of a private fortune. But, without resorting to such generalization, it may be admitted to be true that, in his instance, the incompatibility existed. We may lament that a great character is not in all things complete, but we do not enhance its greatness by concealing its defects.

The ease with which Mr. Webster could earn money in his profession when his public employments did not prevent it, and his unskilfulness in making investments, were the chief causes of the embarrassments from which he was occasionally relieved by his friends. During the period when he filled the office of Secretary of State, his expenses at Washington, occasioned by the social duties of his position, far exceeded the salary which the Government allows. When he left office, at the age of sixty-one, having little property but his two farms,

which were a source of expense instead of income, it became necessary for him to return to the bar, or, as he used humorously to express it, to "the everlasting company of plaintiff and defendant."

But he had this consolation, that he could also return to the company of his fat oxen at Marshfield, to its rural delights, and to his library, which he now collected in a room built after a plan made by his daughter, Mrs. Appleton, to whom this episode in her father's life was a period of great happiness. She could be with him a great deal at Marshfield, and receive him at her own house in Boston, free from those public demands on him, of which, as we have seen, she had a filial jealousy. A few bright years were thus vouchsafed to her before she was called away from him, and from the maternal happiness that crowned her life. For him, too, this period of his release from public duties was a season of great enjoyment. There, at Marshfield, was gathered all that could gratify the strong, healthy tastes of his nature—the fields, the streams, the ocean, on which he often spent whole days from the early dawn to the hours of darkness. When we open his correspondence at this time, it is amusing to see it filled with the multitudinous objects of a farmer's employment. "I am to exhibit some of this mutton," he writes, "both in Boston and New York, and I shall be shamed if any thing beats." One of his chief delights was in great cattle, of which he always had a large stock. It was his habit to rise before break of day, and go through his principal barn with his hands full of ears of Indian corn, with which he fed his favorite animals. His people used to say that the beasts knew him from every one else upon the place.

But, however this may have been, it is certain that human recognition, and sympathy, and love, were everywhere about him in this charming abode and all its neighborhood. It was a common remark that, when Mr. Webster was at home, a stranger might discover it anywhere within ten miles of his house, in the looks of the inhabitants. It was not, however, his renown as a statesman that filled the atmosphere with a presence cheering to their hearts. To them he was the ever considerate friend, the best farmer in their county, the wise

man who knew how to do all common things better than any one else, the liberal, open-handed citizen whose enterprises kept a community in active improvement, the kind benefactor whose thoughtfulness for others flowed in deeds as frequent and as fast as the hours. If that people had heard it said that Mr. Webster was a cold, a stern, or a forbidding man, they would not have known the meaning of the words in connection with his name.

It would be impossible to understand his character without understanding his love of what may be called natural pleasures and natural persons. We must follow him away from the collision of politics and the contentions of the forum to the places where he set up his multiform household gods. Above all, we must appreciate that part of his nature which, amid all the excitements or the weariness of public life, often broke into the sigh, "Oh, Marshfield, and the sea, the sea!"

He had Sir Walter Scott's passion for land, but, fortunately, he had not Sir Walter's weakness for building. When he first acquired this property, it consisted of one hundred and sixty acres. It grew in his hands to be eighteen hundred. The house, when he became its owner, was a substantial square old mansion, belonging to a well-conditioned New-England family. It had been built about the year 1765; and was of pretty fair dimensions for the period and the neighborhood. It had four or five good rooms, and a rather spacious hall on the ground-floor, with half a dozen chambers on the second, and the usual offices, and sleeping apartments for servants under the same roof. After it became Mr. Webster's property, it was too small for his purposes; but, instead of pulling down and building anew, he wisely determined to preserve the old house, and to add to it from time to time as might become necessary. The result was that, in the progress of years, it became a house of various architecture, irregular within and without, but spacious and convenient, and both externally and internally impressing the visitor with a sense of its fitness as Mr. Webster's favorite home. At one time he built a new kitchen with the modern appliances, in which "Monica," the old colored cook, who is mentioned in his will, reigned and ruled supreme, excepting when her master came,

as was his wont, to direct about some fish or some choice bit of mutton.

The new library was built, as we have seen, at the time of his retirement from Mr. Tyler's Administration. Other rooms were added above and below, which, like that, were somewhat out of keeping with the original house. After he sold the house in Boston, which he built in Summer Street, and occupied until 1839, his books, and the pictures, and furniture, were removed to Marshfield. The contents of other houses in which he had lived in Washington were afterward added; so that, when Marshfield became his sole residence, as it was henceforward, with the exception of a small house which he rented in Washington during Mr. Fillmore's presidency, his abode was as various in furniture as it was in architecture.

MR. WEBSTER'S HOUSE IN SUMMER STREET, BOSTON.

But, in the effect on the visitor, the incongruity was all made congruous, if one may indulge in such a paradox, by the taste of the owner, his art of being comfortable himself and making others so; and, more than all, by the presence and the genius for hospitality of him who was never so attractive anywhere as he was there, and by the kindness and grace of the accomplished lady who presided over this unique establishment

for twenty years. When I first knew it, which was after these improvements had been completed, it was capable of holding, besides the family and a good retinue of servants, nearly a dozen guests. If there was an overflow of visitors, excellent lodgings were kept ready for them in the neighborhood.

In the palmy days of the Marshfield estate, Mr. Webster's table, if he chose to have it so, could be supplied for as many guests as he commonly had, from the products of his own farm and the native wealth of the sea. His own beef, mutton, and poultry, with fish that swam the same morning in the ocean or the stream, and wild-fowl that had hardly landed on his broad domain, were the principal courses. All that a New-England garden could add, as the seasons passed, of fruit or vegetable, and pastry, rounded out the dinner. In cookery, Mr. Webster did not affect, or like, what are called "French" dishes; but, in the art of ordering a dinner after a composite manner of his own and of his chief minister—being mainly the best of the New-England modes, with a dash of the Southern—he had no superior. Wines that were suited to the tastes of his visitors were not wanting, but Mr. Webster himself did not much adopt what he called the "sherry heresy." "John, a little drop of your Madeira," was his own requisition upon the servant behind his chair. In the pleasures of the table he was moderate. He was not a large, but he was a nice eater; and the same thing may be said of his usual habit of taking wine.

It is not generally wise to attempt to reproduce the table conversation of a great man, for who does not know that the aroma, which fills the room when a precious wine is uncorked, is an evanescent influence? Who does not know that there are characteristics of manner and voice, and a play of features, which no record of the remark or the anecdote can give to those who did not hear it? It should be said, however, of Mr. Webster, that he never discoursed, never harangued at his own table or at any other where set speeches were not in set order, and that he never monopolized the conversation. His mode of talking was to "give and take;" and, although all felt him to be the person whom every one desired to hear, no one presumed to "draw him out." Nor was it necessary to do so. As Mr. Kenyon found him in England, so it was in his

own house. We did not "question" him on "affairs of State." Politics were seldom alluded to. He knew so much else, he had so many other resources, he was so rich in experience, observation, and feeling, that conversation did not need to drift into that dreary subject—the party objects and struggles of the day. His conversation had that accidental flow which belongs to all good talking. Natural objects, common things or common occurrences, might start the topic, but, when he touched it, he invested it with an interest, and placed it in relations, and surrounded it with information, that surprised the listener like a new revelation. It was knowledge without pedantry, the power of illustration without lecturing. He excelled, too, in the art of telling a story of which the humor was infinitely heightened by his own enjoyment of it. But, in all his humor in conversation, there was never the smallest approach to indelicacy. When the ladies had retired from the table, no one ever heard from him, or in his presence, an anecdote or an allusion that might not have been uttered before them; nor did a word of profanity or irreverence of things sacred pass his lips in any company.

It was his habit, while at Marshfield, to rise at three or four o'clock in the morning. He rarely needed, and seldom took, when he was not ill, more than six hours of sleep. The dawn of day to him was the most attractive period of the twenty-four hours. It probably was because of the stillness. He liked often to be alone; and the hour which sees the stars disappear from the firmament, and when the sun begins to "pour increasing day," was to him the most impressive of all the daily changes of Nature. But it is needless to imagine the feeling which he has himself described. An extract from a well-known letter upon the morning, written to Mrs. Paige, shows it with great beauty:

"It is morning—and a morning sweet, and fresh, and delightful. Everybody knows the morning, in its metaphorical sense, applied to so many objects and on so many occasions. The health, strength, and beauty of early years lead us to call that period the 'morning of life.' Of a lovely young woman we say, she is 'bright as the morning,' and no one doubts why Lucifer is called 'son of the morning.' But the morning itself, few people, inhabitants of cities, know any thing about. Among all our good people of Boston, not one in a thousand sees the sun rise once a year.

They know nothing of the morning. Their idea of it is, that it is that part of the day which comes along after a cup of coffee and a beefsteak, or a piece of toast. With them, morning is not a new issuing of light; a new bursting forth of the sun, a new waking-up of all that has life, from a sort of temporary death, to behold again the works of God, the heavens and the earth; it is only a part of the domestic day, belonging to breakfast, to reading the newspapers, answering notes, sending the children to school, and giving orders for dinner. The first faint streak of light, the earliest purpling of the east, which the lark springs up to greet, and the deeper and deeper coloring into orange and red, till at length the 'glorious sun is seen, regent of day,' this they never enjoy, for this they never see.

"Beautiful descriptions of the 'morning' abound in all languages, but they are the strongest, perhaps, in those of the East, where the sun is so often an object of worship. King David speaks of taking to himself the 'wings of the morning.' This is highly poetical and beautiful. The 'wings of the morning' are the beams of the rising sun. Rays of light are wings. It is thus said that the Sun of Righteousness shall arise, 'with healing in His wings;' a rising sun, which shall scatter light, and health, and joy, throughout the universe. Milton has fine descriptions of morning, but not so many as Shakespeare, from whose writings pages of the most beautiful images, all founded on the glory of the morning, might be filled.

"I never thought that Adam had much advantage of us from having seen the world while it was new. The manifestations of the power of God, like His mercies, are 'new every morning,' and 'fresh every evening. We see as fine risings of the sun as ever Adam saw, and its risings are as much a miracle now as they were in his day, and I think a good deal more, because it is now a part of the miracle that for thousands and thousands of years he has come to his appointed time, without the variation of a millionth part of a second. Adam could not tell how this might be.

"I know the morning; I am acquainted with it, and I love it, fresh and sweet as it is, a daily new creation, breaking forth, and calling all that have life, and breath, and being, to new adoration, new enjoyments, and new gratitude.

At Marshfield, after visiting the animals, which, like himself, slept no more at this hour, he usually went to his library and wrote his letters for the day, or did any other needful intellectual work until he was called to breakfast. This meal being over, which he much enjoyed, if he had guests in the house, he provided for their amusement during the forenoon, and then went out among his laborers. Whatever was doing on the farm, he knew, and who was doing it. How it should be done had been directed by him the night before. He went among them, not so much to stimulate their diligence, as to

enjoy a passion for the work itself. It was one of his supreme pleasures to yoke a string of sturdy oxen to some great plough, and, guiding it by his own hand, to break the soil in a manner that would have commanded the admiration of "cattle-show" committees. He wanted always large pieces of work to be done with vigor, skill, and promptitude. Nothing less satisfied his strong and energetic nature. Dinner was usually at four o'clock. In the afternoon he drove out, or went to the beach, to see the fishing-craft come in from their adventures. In the evening, whist, of which he was fond, closed the day, and he was generally in bed at ten o'clock.

This kind of life was, however, often varied by fishing and shooting, which, to him, were real excitements. He was a keen sportsman. Until past the age of sixty-five he was a capital "shot," and the feathered game in his neighborhood was, of course, purely wild. He used to say, after he had been in England, that shooting in "preserves" seemed to him very much like going out and murdering the barn-door fowl. His shooting was of the woodcock, the wild duck, and the various marsh birds that frequent the coast of New England. He cast a "fly" with as much skill as any one who ever landed a trout. But his great delight was on the sea. He always kept a well-appointed fishing-boat, of which Seth Peterson was the steersman. If he had guests of the same taste, he took them with him, but more frequently Peterson was his sole companion, and at such times Peterson and Mr. Webster were like any other "shipmates." Long before the sun had thrown his rays over the surface of the ocean, their sail could be seen, as it made its way toward the increasing light, and, long after the darkness again enveloped both sea and land, they groped their way back to the shore. Their spoil was the halibut and all the various tribes of the "cod" that are known to the cold waters of Massachusetts Bay. Whenever Mr. Webster had been "out," the neighbors knew whose thoughtfulness sent the grateful gifts to their doors.

During the present summer he enjoyed this mode of life with less interruption than he had suffered for many years. But in the course of it he had to prepare and deliver an address on the completion of the Bunker Hill Monument. Seventeen

years had elapsed since the corner-stone of this celebrated obelisk was laid, with words of his, which had become imperishably associated, in every part of the Union, with the event which it was designed to commemorate. The first Bunker Hill Oration may be said to have built the monument, for it had invested that great undertaking with an interest and a solemnity which kept it in this long interval from falling into public neglect, and which enabled its projectors and their successors, at last, to complete the most imposing monumental structure that had then been raised upon this continent. It was fit, therefore, that his eloquence should crown the work. The second Bunker Hill Address is naturally less impassioned than the first, but it is a discourse filled with a sober beauty, and with a very impressive statement of the true and peculiar principle of the American Revolution, and of the systems of Government which, derived through that Revolution from English sources, were confirmed and established by it.[1]

With the autumn came pressing professional engagements, some of which kept him for several weeks in the city of New York. While there he wrote to Mrs. Paige: "Do not wonder if you hear of me making a sudden expedition to Western New York, to be gone four days. There are to be cattle and sheep at Rochester." In fact, there was to be a great fair at Rochester, under the auspices of the New York State Agricultural Society.

The president of the society, Mr. Wadsworth, who died as General Wadsworth, of Geneseo, had earnestly requested Mr. Webster to be present. No great urgency was needed, however, to draw him to a region where exhibitions were to be made of the condition and results of agriculture, such as could be displayed by the farmers of New York. A rumor that he was to be present drew together an immense concourse of people, estimated in the public prints of the time to have been thirty thousand. He arrived on the second day of the exhibition, the 20th of September, and in the evening was present at an entertainment given by the officers of the society. He was toasted as "the Farmer of Marshfield," and in response he

[1] This address is contained in Works, i., 83, *et seq.* It was delivered on the 17th of June, 1843.

made a speech, avoiding political topics, and treating exclusively of the industrial pursuits of the country, and their mutual relations. In the course of the evening a gentleman from Pennsylvania made some allusion to the financial embarrassments of that State and the burden of her public debt. This brought Mr. Webster again to his feet. He said:

"Mr. President and gentlemen, what are the credit and character of this glorious country, to which we all belong, abroad? We are rich; we are powerful; we have all the means of accomplishing whatever virtuous human desire can embrace. But what is our credit? And I am not one of those disposed to complain of or to stigmatize in any way the efforts of the States of this great Union, who have sought for funds abroad to carry on their enterprises and improvements which their sense of utility has projected. On the contrary, I think that the circumstances of the times and the necessities of the case may justify, at least, to a considerable extent, the engagements into which some of the States, especially the Western States, have entered abroad. Among those which have thus justifiably become involved, is the State of Pennsylvania, the richest State in the Union, in my judgment—perhaps I ought to except New York—but taking her mineral, commercial, and agricultural facilities into consideration, I do not know on the face of the earth, excepting England, a richer State than Pennsylvania. [Governor Seward—'*Take off her debt!*'] My friend, Governor Seward, says, 'Take off her debt.' Her debt—her debt. What can be the debt of a State like Pennsylvania, that she should not be able to pay it—that she cannot pay it, if she will but take from her pocket the money that she has in it? England's debt is engrafted upon her very soil; she is bound down to the very earth by it; and it will affect England and Englishmen to the fiftieth generation. But the debt of Pennsylvania—the debt of Illinois—the debt of any State in this Union, amounts not to a sixpence in comparison. Let us be Americans! but let us avoid, as we despise, the character of an acknowledged insolvent community. What importance is it what other nations say of us, or what they think of us, if they can, nevertheless, say, 'You don't pay your debts?' Now, gentlemen, I belong to Massachusetts; but if I belonged to a deeply-indebted State, I would work these ten fingers to their stumps—I would hold plough, I would drive plough, I would do both, before it should be said of the State to which I belonged, that she did not pay her debts. That is the true principle—let us act upon it—let us 'go it' to its full extent. If it costs us our comforts, let us sacrifice our comforts; if it costs us our farms, let us mortgage our farms. But do not let it be said by the proud capitalists of England, 'You do not pay your debts! You republican governments do not pay your debts.' Let us say to them, 'We will pay them, we will pay them to the uttermost farthing.' That is my firm conviction of what we ought to do. That is my opinion; and water cannot

drown, fire cannot burn it out of me. If America owes a debt, let her pay it—let her pay it. What I have is ready for the sacrifice. What you have, I know, would be ready for the sacrifice. At any rate, and at any sacrifice, do not let it be said on the exchanges of London or Paris—do not let it be said in any one of the proud monarchies of Europe—'America owes, and cannot or will not pay.' God forbid! Let us pay—let us pay. Let us say to them, 'Produce your bond, and take your money, principal and interest. Add it all up and take your money.' Let us say to them, 'We are not your slaves; we are not paupers; we will not be your debtors; we will pay. Produce your bond—here is your money—take it.' And until this is done, my friends, you and I cannot feel as if we could draw a free breath. I do not want to be indebted to the capitalists of Europe; if we owe them any thing, let them produce their bill. If my professional earnings are of any worth—if they are wanted—if my farm is wanted—if the conveniences of life for myself, for my wife and children, are wanted—so far as I am concerned, so far as America is concerned, come and take them. That is the right ground to take, and let us take it. In the North and South, in the East and West, if there live any who are descended from the fathers of the Revolution, any in whose veins runs a drop of their blood, and in whose hearts lives a particle of their proud spirit, let them rise up and say that, if we owe Europe, Europe shall be paid. I wish to breathe the breath of an independent man. A citizen of a proud and honored country, I abhor the idea that my daily happiness is to be marred by the consciousness that any thing disgraceful hangs on the country or any part of it. Let us, gentlemen, be proud of our country; but let us preserve for that country the character of a just and debt-paying nation. Let it never be said, among the nations of Europe, that the United States of America—the nation that had its birth in the glorious scenes of '76—the country of Washington—the example and great type of all modern republics—cannot, or will not, pay its debts!"

A considerable change had now taken place among the Whigs of Massachusetts, in regard to the course which had been pursued toward Mr. Webster in the previous autumn. Many persons began to see that a great political mistake had been made in giving the voice of the party in Massachusetts to Mr. Clay as their candidate for the presidency, wholly in advance of the assembling of a National Convention. The attacks on Mr. Webster had not, indeed, wholly ceased. The profound question continued to be agitated, whether Mr. Webster was a "Whig." If the impression could be kept up, that, by remaining in Mr. Tyler's Cabinet, his standing in the party had been impaired, his friends could not effect his nomination in 1844. The folly of all this, as well as its injustice, was perceived by a

large body of the Massachusetts Whigs, and there began to be a great anxiety among them to have Mr. Webster reappear upon the political stage. It was certain that the Whigs of the Union would select him or Mr. Clay as their candidate. If Mr. Clay were to be nominated, there was scarcely a probability that he could be chosen if Mr. Webster were to stand aloof and withhold his support. If in any way the action of the Whigs in Massachusetts, in the autumn of 1843, by which they had ostentatiously slighted Mr. Webster, and declared Mr. Clay to be their choice, could be annulled, so that the delegates of his own State could demand his nomination by the National Convention, the pretence, that he had ceased to be a Whig, must of course be abandoned by Massachusetts politicians and presses. This very obvious necessity led to an earnest request to Mr. Webster to be present at a Whig convention that was to meet at Andover on the 9th of November, 1843.

On some accounts he was not much disposed to accede to this request. The idea that he had ceased to be a Whig, which meant, if it meant any thing, that he had changed his opinions respecting the principles on which the Government ought to be administered, and the measures that ought to be adopted, was one that he did not feel it became him to repel. His opinions on all public questions were too well known to require repetition. So far as he had changed at all, he had frankly made known that change. He had said publicly that a Bank of the United States on the old plan had ceased to be a practicable measure. But he had modified none of his long-cherished opinions respecting the power and duty of the General Government to regulate the currency, or the power and duty of affording incidental protection to domestic manufactures in laying duties, or the distribution of the proceeds of the public lands, or on any other question that was supposed to be a part of the public policy of the Whigs. But there was one question not yet before the public, and in respect to which the two parties had therefore as yet no party policy, in regard to which Mr. Webster could not know what course would be taken by the party with which he had long acted. From the day when Texas became independent of Mexico, down to this time, he had never lost sight of the probability that in some

way an effort would be made to bring her into this Union. While he was a member of Mr. Tyler's Cabinet the annexation of Texas was more than once a subject of informal conversation with the President, who was in favor of it, but no action upon it was attempted so long as Mr. Webster remained there. That it might be taken up after he left the Department of State, he knew, but he did not know how far the Whig party could be relied upon to resist it. Still he entertained the belief that, if effective opposition to the annexation of Texas were to come from any quarter, it must come from that party.

For this reason alone, and in order that no excuse might exist for denying his right to shape on this subject the counsels, and influence the action, of a party whose obligations to him were so great, he consented once more to vindicate his personal title to be regarded as a Whig. He did this because he was looking far forward to the hour when the political course of the Whig party and the welfare of the country for an indefinite future were to be involved for good or for evil in a question, the development of which he believed to be near at hand. Yet, he could assign these motives to no one; for, at this moment, his anxieties on the subject of Texas had to be buried in his own bosom. On this account, when he consented to go to Andover, and when he had delivered the speech which he made there, it appeared as if he had no other object than to reinstate himself with the Whig party. This object he had; but it was also his object, beyond and above all others, to produce union and harmony in their ranks, to show them that, in respect to all their known and acknowledged principles, he was now what he had ever been, in order that he might be able, when the necessity should arise, to influence them in regard to a measure which he believed would be fraught with great evils to this country, and on which all his previous political history, and all his personal situation, would enable him to do what no other statesman in the country could do, in enforcing upon the intelligence of the people the solid objections to such a step.

The Andover speech was, of course, confined to a discussion of questions connected with the currency, the tariff, and the public lands. With reference to himself, the speech closed as follows:

"I am not a candidate for any office in the gift of the Government, or in the gift of the people. I have not been named for any office at my own suggestion, or, indeed, recently with my own previous knowledge. I am a private citizen, and that condition will never be changed by any movement or effort made for that purpose by myself, or at my suggestion. In my opinion nominations for the high offices of the country should come, if they come at all, from the free and spontaneous exercise of that respect and confidence which the people themselves may feel. All solicitations of such nominations, and all canvassing for such high trusts, I regard as equally inconsistent with personal dignity and derogatory to the character of the institutions of the country.

"As a private man, I hold my opinions on public subjects. They are all such, in their great features and general character, as I have ever held. It is as impossible that I should tread back the path of my political opinions, as that I should retrace, step by step, the progress of my natural life, until I should find myself again a youth. On the leading questions arising under our constitutions and forms of government; on the importance of maintaining the separation of powers, which those constitutions establish; on the great principles of such a policy as shall promote all interests, maintain general harmony in the country, and perpetuate the blessings of political and religious liberty—my opinions, the result of no little study, and some experience, have become part of myself. They are identified with all my habits of thought and reflection, and though I may change my views of particular measures, or not deem the same measures equally proper at all times, yet I am sure it is quite impossible I should ever take such a view, either of the public interest or of my own duty, as should lead to a departure from any cardinal principles.

"As a private man I am ready to do all in my power to uphold principles which I have ever deemed important, and to support measures which the public interest, in my judgment, requires. And as measures cannot be accomplished without the agency of men, I am, of course, entirely willing to support the men of the highest character, most unexceptionable principles, and who may be most able to take an efficient and successful lead in such measures. And here, perhaps, I ought to pause. But the gentlemen who invited me to this meeting were pleased to express their approbation of my conduct in remaining in the Cabinet at Washington after the other members, originally appointed by General Harrison, had withdrawn. I should not have alluded to this subject, gentlemen, on this occasion, but for the reference which the committee have made to it. I am aware that there are many persons in the country, having feelings not unfriendly toward me, personally, and entertaining all proper respect for my public character, who yet think I ought to have left the Cabinet with my colleagues. I do not complain of any fair exercise of opinion in this respect; and if, by such persons as I have referred to, explanation be desired of any thing in the past, or any thing in my present opinions, it will be readily and cheerfully given. On the other hand, those who

deal only in coarse vituperation, and satisfy their sense of candor and justice, simply by the repetition of the charge of dereliction of duty, and infidelity to Whig principles, are not entitled to the respect of an answer from me. The burning propensity to censure and reproach, by which such persons seem to be actuated, would probably be somewhat rebuked, if they knew by whose advice, and with whose approbation, I resolved on staying in the Cabinet.

"Gentlemen, I could not but be sensible that great responsibility attached to the course which I adopted. It was a moment of great excitement. A most unfortunate difference had broken out between the President and the Whig members of Congress. Much exasperation had been produced, and the whole country was in a very inflamed state. No man of sense can suppose, that, without strong motives, I should wish to differ in conduct from those with whom I had long acted; and as for those persons whose charity leads them to seek for such motive in the hope of personal advantage, neither their candor nor their sagacity deserves any thing but contempt. I admit, gentlemen, that if a very strong desire to be instrumental and useful in accomplishing a settlement of our difficulties with England, which had then risen to an alarming height, and appeared to be approaching a crisis—if this be a personal motive, then I confess myself to have been influenced by a personal motive. The imputation of any other personal motive, the charge of seeking any selfish advantage, I repel with utter scorn.

"To be sure, it excites contempt, but hardly any thing so respectful as regret or indignation, when persons, capable of no effort in any cause but that of making a noise, and with no other merit than that of interested partisanship—men, indeed, yet reeking from their labors in the support of the most questionable measures of General Jackson's Administration, and others, still odorous with the perfumes of the sub-treasury—distend their throats, and admonish the country to beware of Mr. Webster's infidelity to Whig principles.

"Gentlemen, I thought I saw an opportunity of doing the State some service, and I ran the risk of the undertaking. I certainly do not regret it, and never shall regret it. And it is in no spirit of boasting or vainglory, it is from no undue feeling of self-respect, that I say now, that I am ready to leave it to the public judgment to decide whether my remaining in the Cabinet was best for the country; or, on the other hand, whether my leaving it would have been better for the country.

"On this question I am in the judgment of this generation and the next generation, and am willing that my name and fame and character shall abide the result."

The reader can now understand why he took so independent a position, and why he so explicitly declared that his situation as a private man would be changed by no act of his

own. Whatever parties might do, whomsoever the Whigs, in national convention, might select as their candidate, he meant to be untrammelled when the question of Texas should be sprung upon the country. If the nomination were to be tendered to himself, he was determined to receive it only upon the condition that he should carry into the office his well-known opposition to that measure.

What he had foreseen was soon to take place. Whoever would appreciate Mr. Webster's anxiety on this subject must remember that this very summer had witnessed the formation of a political party in the North, the avowed object of which was to effect the abolition of slavery. This organization, known as "The Liberty Party," assembled at Buffalo on the 30th of August, 1843, and nominated a candidate for the presidency, upon a declaration of principles which plainly evinced their purpose not to regard either the restraints or the positive commands of the Constitution in promoting an agitation that should end in the removal of slavery. This movement was at first regarded by many politicians of the two great national parties with contempt. Mr. Webster never did so regard it. He knew the nature of the sentiment which it sought to enlist; he knew, and had long known, that the incorporation of Texas into this Union was to effect a large increase of the area of slavery; and that it would become impossible to carry on the Federal Government, after that measure had been consummated, without the presence of two antagonistic political forces, the one in the North and the other in the South—the one attacking, the other defending, slavery—a condition of things that would be attended with extreme hazard to the peace and well-being of the Union.

How Mr. Webster was affected by the discovery, in the course of the succeeding winter, of the fact that the Executive Government of the United States was even now meditating this project, can be best described in the words of another:[1]

"In May, 1843, Mr. Webster, as will be remembered, resigned his place in President Tyler's Cabinet. His position there had, for some time, been

[1] The passage which follows is taken from the MS. Reminiscences written by Mr. Ticknor, in 1852, and then placed among the papers of Mr. Webster's literary executors, with which they have since remained.

an uncomfortable one. On the dissolution of General Harrison's Cabinet, in consequence of his death, in April, 1841, and the troubles that followed, he alone had remained in office. This circumstance dissatisfied many persons at the North. The *Atlas* newspaper assailed him for it. But he maintained himself with firmness, and negotiated with Lord Ashburton the treaty which was ratified the 9th of August, 1842. Many persons of influence thought he should have resigned at that time.[1]

"From the time of his resignation, until the 4th of March, 1845, Mr. Webster held no political office, but was looked upon with distrust by many persons of his own party at the North, who favored Mr. Clay's pretensions to the presidency, and who were displeased that Mr. Webster had not followed Mr. Clay's opinions and party in the summer of 1841.

"But, though not in office, Mr. Webster was in Washington attending the Supreme Court of the United States, during a part of the winter of 1843–'44. While he was there rumors reached Boston, and articles appeared in the *National Intelligencer*, intimating that a project was on foot for the annexation of Texas. Mr. Webster's opposition to every thing of the sort had been known to the country from the date of his speech at New York in 1837, and I suppose that my conversations with him had led me to hold similar opinions. At any rate, when I read the articles in the *Intelligencer*, I became alarmed. A few days afterward, meeting Mr. Webster in State Street, and knowing that he was fresh from Washington —for, until I saw him, I supposed him to be still there—I asked him, as we walked along together, whether there was any foundation for the reports we had received on the subject of Texas? I felt his arm press mine spasmodically, as he said in a low tone, but with great emphasis, 'That is not a matter to be talked about in the street; come to me this evening at Mr. Paige's, and I will tell you all about it.'

"I went at the time appointed. He was in his chamber alone. He looked concerned and troubled. He said, at once, 'It is a long story. I must make a speech to you about it, as bad as a Congressional speech.' And he began abruptly, by saying, that he and Mr. Upshur, notwithstanding the difference of their political opinions, had always been good friends, and that one day when he was sitting with that gentleman, who was then Secretary of State in Mr. Webster's place, he told him that he thought Mr.

[1] The persons here referred to were some of those who had sustained Mr. Webster in remaining in office until the treaty should be concluded, but who considered that he ought to have retired as soon as the treaty was made. As he did not do so, but continued in office, in order to dispose of the questions still requiring his care, it began to be said that he was actuated by ambitious motives, and that he remained in office for selfish purposes.

Not long before the period referred to by Mr. Ticknor, Mr. Webster, who took his own time about resigning, without heeding the clamor of his party, had been in Boston, and intimated to Mr. Ticknor his intention to resign before six weeks should be passed. When the news of his resignation came, it was received with some surprise by those who had predicted that he would remain in office until the end of President Tyler's term.

Tyler was going on unwisely. Mr. Upshur replied, that he was of the same mind, and that he was so little satisfied with the condition of affairs, that 'he would not continue in office a fortnight if he had not a particular object to accomplish.' Mr. Webster said, that he conjectured in a moment what this object must be. His phrase was, 'I felt Texas go through me.' He said, however, nothing further to Mr. Upshur upon the matter; but, in two days, he said, that he knew all about it. He went on earnestly, telling me that he was astounded at the boldness of the Government. They had absolutely been negotiating with Mr. Van Zandt about Texas, which then anxiously desired the protection of the United States against a threatened invasion from Mexico, and had persuaded our Government to agree to give such protection, so far as was possible, by the United States vessels then in the Gulf of Mexico, if that invasion should take place. We might, therefore, Mr. Webster said, be in a war with Mexico at any time, with or without the authority of Congress; and he did not doubt the Administration would be willing to have such a war. Indeed, he said that he felt sure war would be the inevitable consequence of any annexation of Texas without the consent of Mexico. He then went on and described the troubles that would follow any great enlargement of our territory in the Southern direction. He thought it would endanger the Union. He became very much excited. He walked up and down the room fast and uneasily. He said he had not been able to sleep at night, and that he could think of little else in the day. He had written two of the editorial articles which I had read in the *Intelligencer*, and with great difficulty, after long conversations with Mr. Gales, had persuaded him to insert them and to take full ground against any annexation of Texas. At his earnest request also, Mr. Winthrop had introduced a resolution on the subject in the House of Representatives,[1] and as he passed through New York he

[1] "House of Representatives,
"*March* 14, 1844.

"Annexation of Texas.

"Mr. Winthrop (to whom the attention of the reporter was not at the moment directed) rose chiefly to reply to one remark which had fallen from the gentleman from South Carolina (Mr. Holmes). The remark seemed to have been made, partly in jest, partly in earnest; yet there were some subjects that were too solemn in their character, and too momentous in the consequences they involved, to be even thus adverted to without eliciting the most serious feeling. He alluded to the idea thrown out by the gentleman, that this institution [West Point] ought to be sustained because the annexation of Texas was the settled policy of this Government. Who settled it? Not, he would undertake here to say, not the people or the Representatives of the people. *They* knew nothing about it, though he believed there were others who *did* know. He feared that there was something serious in this matter. He was almost afraid that the gentleman from South Carolina intended to try the temper of the House and the country by throwing out the idea, as he (Mr. W.) had said, half in jest, half in earnest. And the gentleman from Ohio (Mr. Weller) had commented upon it, not exactly in the terms which he (Mr. W.) would like to have heard from a Representative of that State. He believed that there was no little danger that the people of the country were about to be taken by surprise on this subject of the annexation of Texas; he believed that the momentous project, which, in his judgment, would endanger the stability of the Union, and which was utterly abhorrent to the feelings of the people in his section of the country, was at this moment in a train of secret

(Mr. Webster) had engaged Mr. Charles King to take the same ground, and had left with him more than one article to be published in the newspaper of which Mr. King was the editor. His object, he said, was to rouse the whole North upon the subject. Up to that time there had been little difference between the political parties in New England and New York on the whole matter. Their Legislatures, particularly that of Massachusetts, in 1843, with hardly a dissenting voice, had pronounced the annexation of Texas unconstitutional and unjustifiable. The Legislature of 1844 was of the same mind, and had passed similar resolutions. Not a single newspaper in the country, Mr. Webster believed, had then come out in its favor, and few had failed to denounce it. This state of feeling, which he well understood and explained to me, he was urgently desirous to continue and to strengthen. An election was about to take place in Connecticut, and he alluded to it. He said that, if it was in his power, he would make the Texas question an element in its decision. 'If I had the means,' he said, 'I would send men to Connecticut who should run through the State from side to side, with their arms stretched out, crying,

and stealthy negotiation. He hoped that a call would be made upon the Executive for information.

"Mr. Black rose to a question of relevancy, which gave rise to a brief conversation.

"Mr. Winthrop said he should have concluded what he had to say by this time if the gentleman had not interposed. He had stated his fears; he had stated what, in his opinion, it was the duty of this House to do. And he would now only add, in answer to the argument of the gentleman from South Carolina, that if he (Mr. W.) believed this academy was intended to be used by way of any aid to the Government in a war with Mexico, arising out of the annexation of Texas, he would, this instant, give his vote to level it to the ground.

("*From the National Intelligencer*, *March* 16, 1844.")

"HOUSE OF REPRESENTATIVES,
"*March* 15, 1844.

"ANNEXATION OF TEXAS.

"MR. WINTHROP rose and said that he wished to move a suspension of the rules, for the purpose of introducing resolutions on a subject which, in his judgment, ought to be brought, at an early day, to the solemn consideration of this House and of this country. He thought it was high time that it was understood by the Representatives of the people, and by the people themselves, whether the annexation of Texas was *the settled policy* of this Government. He had expressed his apprehensions on this subject yesterday, and it would be out of order for him to go further now. But he desired to have the yeas and nays on the motion to suspend the rules.

"The resolutions are in the following words:

"*Resolved*, That no proposition for the annexation of Texas to the United States ought to be made, or assented to, by this Government.

"*Resolved*, That the House will resolve itself into a Committee of the Whole on the State of the Union, for the consideration of the above resolution, on Wednesday, the 20th instant, and that said resolution be made the special order of the day until disposed of.

"Mr. Payne (before the reading of the resolutions had been concluded) moved that they be laid on the table.

"[Cries of 'Hear them read, hear them read.']

"The reading having been concluded:

"Mr. Black, of Georgia, Mr. Thompson, of Mississippi, and other members, objected to the reception of the resolutions.

"Mr. Winthrop said he had moved a suspension of the rules that they might be received.

"Mr. Willis Green said he thought this was a question with which this House had nothing to do at present; he should therefore vote *no*.

"The yeas and nays were then ordered."

Texas, Texas;' and he suited the action to the word in the most fervent and impressive manner.

"But what Mr. Webster told me he had received almost entirely from private and confidential sources, and nothing but his own convictions on the subject, without their grounds and proofs, could be communicated to the public. He could say that he was himself alarmed, but not why he was alarmed. At his request, however, I went the same evening to see Mr. Brimmer, then Mayor of Boston, in order to communicate to him these anxieties and apprehensions, and to say that Mr. Webster wished to converse with him upon the subject. Mr. Brimmer was not at home; but so earnest had been Mr. Webster's expressions to me, and so much had he alarmed me upon the great ultimate danger that would result from the annexation of Texas, that I followed Mr. Brimmer to Mr. T. G. Cary's, where he was passing the evening, and communicated to him as much as I was permitted to repeat of what Mr. Webster had told me. Mr. Brimmer saw Mr. Webster the next day, and was much impressed with the urgency of the case, so far as Mr. Webster felt at liberty to make it known. Mr. Webster's object was to get up public meetings in Boston and elsewhere, and, if possible, to have a convention of all Massachusetts to protest against the annexation of Texas.

"Mr. Brimmer endeavored to promote this with all his power. Mr. C. G. Loring, and a few other persons, he told me, assisted him, but persons of mark and note in the Whig party, with the *Atlas* newspaper for their organ, he said, earnestly opposed it. They believed that there was no real danger of the annexation of Texas. Mr. Mangum, of North Carolina, then a leading Whig member of the Senate, assured them that there was none; besides which, they feared any movement of the sort would operate unfavorably upon the prospects for the presidency of Mr. Clay, who, as they supposed, would be the next candidate, and whose nomination, they feared, Mr. Webster might be too anxious to defeat. They were mistaken in both. If I ever saw the working of strong and sincere feelings in any man, I witnessed, at that time, in Mr. Webster, a great patriotism overleaping all the bounds of party. He foresaw clearly the dangers of the course that was pursued by so many of the Whigs of this part of New England, and was deeply distressed at the prospect for his country. He seemed to have no other feeling.

"About this time, that is, I think, the beginning of April, 1844, I dined in company with him at the hospitable table of Colonel Thomas H. Perkins. Mr. N. Appleton, Mr. Edmund Dwight, and several other of the principal Whigs of Boston, were there. They expressed the opinion that Texas would never be annexed to the United States. They knew nothing of the secret history of the negotiations that had been going on at Washington, and Mr. Webster had no right to make them public, or to speak of them in such a circle, which would have been the same thing. He expressed his own opinion, however, very strongly, that Texas would be annexed, if a great effort were not made at the North to prevent it, and

suggested a public meeting in Boston, and a convention of the State, as the needful and readiest means to accomplish that object.

"'Mind,' said he, striking his hand on the table, and a little excited because some one had expressed a strong opinion to the contrary, 'Mind, I do not say that Texas will be annexed within a year, but I do say that I think I see how it can be done, and I have no reason to suppose that the Administration sees less clearly into the matter than I do.' A slight laugh followed, expressing an incredulity not quite respectful, and then the conversation was changed. Mr. Webster soon went away, and, after he was gone, one of the gentlemen said, 'He ought to come out for Clay.' No reply was made, and the party soon broke up.

"On the 1st of March following, not a year from that time, Texas was substantially annexed to the United States; and, on the 22d of December following, Mr. Webster, being then again in the Senate of the United States, pronounced there that short, but solemn protest against it, which will not be forgotten."

While he was at Washington, on professional business, during this winter of 1844, a third "Grace Webster" was consigned to the tomb. This was his granddaughter; the eldest child of his son Fletcher, who was still in China.

[TO MRS. FLETCHER WEBSTER, AT BOSTON.]

"WASHINGTON, *February* 5, 1844, Monday Morning.

"MY DEAR DAUGHTER: We had no idea that poor Grace was dangerously sick, until I received Mr. Paige's letter of January 31st yesterday morning. It alarmed and shocked us excessively; and Julia's letter, received last evening, leaves us to fear that dear Grace is now beyond our prayers. This blow came wholly unexpected, and gives me great grief, as it does Mrs. Webster, on our account, as well as on yours, and her dear absent father's.

"Grace has been greatly beloved by me, and I had hoped to live myself to see her grow up. Little did I think that she would be called away before me. She was a great favorite with her grandmother; and we were both in hopes of having her shortly with us.

"We can do nothing, my dear daughter, but commend you and your living children, and their absent father, and ourselves, to the mercy of God. This is indeed a sad bereavement to us all.

"It is many years since such a stroke has fallen upon our family. I wish we were with you to unite our tears with yours, and give you what consolation we might. Poor little Daniel, how will he bear such a loss?

"I have no other hope than that to-night's mail will tell us of the worst. Let us resign ourselves, my dear daughter, to the hands of God, in the assurance that we shall one day meet those, whom we have loved and lost, in a happier state. "Your affectionate father,

"DANIEL WEBSTER."

In the course of this winter, it became manifest that Mr. Clay was to be selected as the candidate of the Whigs. Mr. Webster received a letter from his friends in New Hampshire, asking permission to present his name for the Presidential nomination, subject to the decision of the National Convention of the Whig Party, which was expected to assemble in the spring. To this request he returned the following answer:

[TO MESSRS. JOHN WARREN AND OTHERS.]

"WASHINGTON, *January* 3, 1844.

"GENTLEMEN: I have received your letter requesting permission to present my name to the people as a candidate for the office of President of the United States, subject to the future wise, deliberate action of the Whig National Convention of 1844.

"It would be disingenuous to withhold an expression of the grateful feelings awakened by a letter containing such a request, so very numerously signed, and coming from among those who have known me through life. No one can be insensible to the distinction of being regarded by any respectable number of his fellow-citizens as among those from whom a choice of President might be made with honor and safety to the country. The office of President is an office, the importance of which cannot be too highly estimated. He who fills it necessarily exercises a great influence not only on all the domestic interests of the country, on its foreign relations, and the support of its honor and character among the nations of the earth, but on that which is of the very highest import to the happiness of the people, the maintenance of the Constitution itself, and the prosperous continuance of the Government under it.

"Our systems are peculiar, and while capable, as experience has shown, of producing the most favorable results under a wise and cautious administration, they are, nevertheless, exposed to peculiar dangers.

"We have six and twenty states, each possessing within itself powers of government, limited only by the Constitution of the United States; and we have a General Government, to which are confided high trusts to be exercised for the benefit of the people of all the States. It is obvious that this division of powers, itself the result of a novel and most delicate political operation, can be preserved only by the exercise of wisdom and pure patriotism. The Constitution of the United States stands on the basis of the people's choice. It must remain on that basis so long as it remains at all. The veneration and love which are entertained for it will be increased by every instance of wise, prudent, impartial, and parental administration.

"On the other hand, they will be diminished by every administration which shall cherish local divisions, devote itself to local interests, seek to bend the influence of the Government to personal or partisan purposes

or which shall forget that all patriotism is false and spurious which does not look with equal eye to the interests of the whole country, and all its parts present and to come. I hardly know what an American statesman should so much deprecate, on his own account, as well as on the account of his country, as that the Constitution of the United States, now the glory of our country, and the admiration of the world, should become weakened in its foundations, perverted in its principles, or fallen and sunk in a nation's regard and a nation's hopes, by his own follies, errors, or mistakes. The Constitution was made for the good of the country; this the people know. Its faithful administration promotes that good; this the people know. The people will themselves defend it against all foreign powers, and all open force, and they will rightfully hold to a just and solemn account those to whom they may commit it, and in whose hands it shall be found to be shorn of a single beam of its honor, or deprived of a particle of its capacity for usefulness. It was made for an honest people, and they expect it to be honestly administered. At the present moment it is an object of general respect, confidence, and affection. Questions have arisen, however, and are likely to arise again, upon the extent of its powers or upon the line which separates the functions of the General Government from those of the State governments; and these questions will require, whenever they may occur, not only firmness, but much discretion, prudence, and impartiality, at the hand of the National Executive. Extreme counsels or extreme opinions on either side would be very likely, if followed or adopted, to break up the well-adjusted balance of the whole. And he who has the greatest confidence in his own judgment, or the strongest reliance on his own good fortune, may yet be well diffident of his ability to discharge the duties of his trust in such a manner as shall promote the public prosperity or advance his own reputation.

"But, gentlemen, while the office of President is quite too high to be sought by personal solicitation, or for private ends and objects, it is not to be declined, if proffered by the voluntary desire of a free people.

"It is now more than thirty years since you and your fellow-citizens of New Hampshire assigned me a part in political affairs. My public conduct since that period is known. My opinions on the great questions now most interesting to the country are well known. The constitutional principles which I have endeavored to maintain are also known. If these principles and these opinions, now not likely to be materially changed, should recommend me to further marks of public regard and confidence, I should not withhold myself from compliance with the general will.

"But I have no pretensions of my own to bring forward, and trust that no friends of mine would, at any time, use my name for the purpose of preventing harmony among those whose general political opinions concur, or for any cause whatever but a conscientious regard to the good of the country. It is obvious, gentlemen, that, at the present moment, the tendency of opinion among those to be represented in the convention is generally and strongly set in another direction. I think it my duty,

therefore, under existing circumstances, to request those who may feel a preference for me not to indulge in that preference, nor oppose any obstacle to the leading wishes of political friends, or to united and cordial efforts for the accomplishment of those wishes.

"The election of the next autumn must involve, in general, the same principles and the same questions that belonged to that of 1840. The cause I conceive to be the true cause of the country, its paramount prosperity, and all its great interests; the cause of its peace and honor, the cause of good government, true liberty, and the preservation and integrity of the Constitution; and none should despair of its success.

"I am, gentlemen, with sentiments of sincere regard,

"Your obliged and obedient servant,

"Daniel Webster."

Soon after this the following correspondence took place between Mr. Webster and the Hon. David Sears, of Boston, respecting Mr. Webster's return to the Senate in the place of Mr. Choate, who wished to resign:

[To Mr. Webster.]

"Boston, *27th January*, 1844.

"My dear Sir: Some of your friends here, members of the General Court, now in session, are desirous of knowing your views in relation to a seat in the Senate of the United States, made vacant by the resignation of Mr. Choate, which is to take effect on the 1st of March next.

"It is believed, if you were to allow yourself to be nominated for this office, that you would unite in harmony the friends of good government on all sides, and that your being a candidate would cheer and strengthen the efforts of those who are now laboring, and who must continue to labor, to check the onward course of that misrule and corruption which still eminently threaten us.

"Your devotion to the true interests of your country and your readiness to make a personal sacrifice for her welfare are well known; and every man of reflection is now sensible, and feels the importance of your labors, when, as Secretary of State, you were the peacemaker of the nation, and steadily worked for the good of the Commonwealth undeterred by abuse, desertion, and reproach.

"From what has been, may we not hope for what will be; and, seeing your country in a greater danger, will you not again come forward *as her best reserve*, and, regardless of personal considerations, gain for us a second time the objects of our struggle?

"By the approaching presidential choice, the three great questions of internal improvement, sub-treasury, and domestic labor, are to be decided, involving in their details, for weal or for woe, the thousand interests of agriculture and commerce and the happiness or misery of millions

The selection must be made between Henry Clay and Martin Van Buren. No alternative seems left to the people. The other prominent candidates are either already withdrawn, or their friends, despairing of their success, are prepared to yield them up, and leave the field clear to these two gentlemen. The number of votes they each can command is approaching to a balance, and a single additional impulse may turn the scale. What, under these circumstances, can you advise, and how, in your judgment, shall we best serve our country?

"Very respectfully, your obedient servant,

"DAVID SEARS.

"Hon. Daniel Webster, Washington."

[TO MR. SEARS.]

"WASHINGTON, *February* 5, 1844.

"MY DEAR SIR: Your letter of the 27th of January has been some days before me, and I have reflected on its contents. Indeed, similar suggestions had been made to me from other quarters.

"I suppose it is true that Mr. Choate intends to leave the Senate some time in March, or perhaps not till April. The term for which Mr. Choate was elected will expire in March, 1845. There will, therefore, remain only the remnant of this session and the short session of next winter. I doubt whether any thing important will be done, or seriously attempted, this session, except on the subject of the tariff, and I hope that may not be successfully assailed.

"Before next session a new President will be chosen, and the greater part of a new Congress, so that an expiring Congress, with an expiring administration, would hardly be likely to venture on great public measures, especially as one House seems an effectual check on the other.

"Under these circumstances, my dear sir, I do not see, even supposing me capable of performing an important part in public affairs, that I could be in any considerable degree useful in the Senate for this session or the next. And there are weighty private reasons which render it desirable that I should not for some time be charged with responsible public duties.

"I will not affect to deny that, if all other things favored, I should prefer suitable public employment to returning to the bar at my age. I have seen enough of courts of law to desire to be in and among them no more. But my affairs require attention, and the means of living, you know, must be had. . . . If in the Senate, I should have time to attend to affairs private and personal, but not to affairs professional.

"I may say to you, in confidence, that I am now earning and receiving fifteen thousand dollars a year from my profession, which must be almost entirely sacrificed by a return to the Senate. I am sanguine enough to hope for better times and a better state of things, in which I may turn some considerable remnants of property to good account. And if, after

this Congress, it should seem to friends desirable that I should be in the Senate, and I should be able to see that I could possibly afford it, I should probably feel it right to put myself at their disposition. But, for the remnant of this year, and until March of the next, I cannot but think it more important to me that I should remain where I am, than it can be to the country that I should return to the Senate.

"I have said more, my dear sir, than was perhaps necessary; but your letter manifests much kindness and good feeling on your part. I value your friendship highly, and have thought it right, therefore, to give you my thoughts frankly and in full.

"Yours very truly,

"Daniel Webster."

Among the professional engagements to which he was now devoting himself there occurred the case of Stephen Girard's will. Mr. Girard, a very opulent merchant of Philadelphia, devised a large property to that city to establish a college for poor white male orphans between certain ages, excluding from its offices of instruction and government all ecclesiastics, missionaries, and ministers of every sect, as well as prohibiting such persons from ever entering the walls of the college; and directing, generally, that the orphans should be instructed in the principles of morality, leaving them to adopt, on their entrance into active life, "such religious tenets as their matured reason might enable them to prefer." It was claimed by Mr. Girard's heirs-at-law that this bequest was void as a limitation at law, from the uncertainty of the description of those who were to receive its benefits; and that it could only be supported, if at all, as a charity, according to the principles which equitable jurisprudence applies to charitable bequests. On the question, whether this was a charitable bequest, Mr. Webster delivered, in the Supreme Court of the United States, an argument in which he maintained that this bequest was not a charity, because it was derogatory to the Christian religion, tending to weaken men's conviction of its authority and importance, and therefore, in its general character, tending to mischievous and not useful ends. The speech is a very impressive exhibition of the relation which the Christian religion, through its professional teachers, bears to the instruction of youth. Mr. Webster argued that it was Mr. Girard's intention to exclude all teaching of Christianity from his col-

lege, and that such an institution is not a charity. The court did not adopt his positions, but upheld the bequest.[1] A public request was made to Mr. Webster by a number of gentlemen and clergymen in Washington to publish this argument. It is contained in the sixth volume of his Works.

Mr. Webster returned to Boston early in April, and was soon afterward at Marshfield, busily occupied with two new ploughs. The Whig National Convention assembled at Baltimore on the 1st of May, 1844, and nominated Mr. Clay for the presidency. In the winter previous, a treaty, secretly negotiated under President Tyler, for the annexation of Texas to the United States, had been submitted to the Senate, and had been rejected, chiefly for the reason that, as Texas claimed to carry her western boundary to the Rio Grande, a majority of the Senate justly supposed that, to incorporate her into the United States with such a claim, would be regarded by Mexico as a cause of war. But, notwithstanding this rejection, it was well known that the project of annexation would not be suffered to sleep; that it would enter largely into the political issues of the approaching election, and that the grand motive for effecting it would be to increase the political power of the slave-holding section of the Union. In the Democratic party, the friends of Mr. Van Buren were bent upon making him again their candidate for the presidency; but neither he nor his friends were in favor of the annexation of Texas, inasmuch as they considered such a step an act of bad faith toward Mexico. Under these circumstances, it was certain that, if Mr. Van Buren did not receive the nomination of the Democratic party, it would be because that party should determine to advocate the annexation of Texas. Its convention had not assembled when the Whigs nominated Mr. Clay.

[1] The decision, on the first point, negatived the position that the bequest was void at law for uncertainty. On the second point, whether it was void as a charity on the grounds contended for by Mr. Webster, the court could escape the force of his argument only by arriving at the conclusion that Mr. Girard did not intend to exclude the teaching of the Christian religion, because he excluded its being taught by its ministers or other sectarian persons. On the question, whether a bequest would be good as a charity, where the testator had prohibited all teaching of the Christian religion by *anybody*, the court expressed no opinion. The judgment of the court was pronounced by Mr. Justice Story.—(*See the second volume of Howard's Reports*, pp. 127, *et seq.*)

True policy, therefore, as well as principle, should have led the Whigs to take decided ground on this subject, and to have selected as their candidate some statesman who could command the attention of the people of the United States to all the weighty objections to this measure. There was no such statesman in their party except Mr. Webster. He, however, had been set aside by a general acquiescence in the claims of Mr. Clay; and, when the Whig nomination came to be formally made, it was made without the adoption of any party policy whatever on the subject of Texas. Mr. Clay stood before the country, therefore, as objecting to the annexation of Texas, simply because that measure would be offensive to Mexico. On the other hand, when the Democratic National Convention assembled at Baltimore on the 27th of May, the friends of Mr. Van Buren, after a number of ballotings, acquiesced in the nomination of Mr. Polk, and the annexation of Texas, at the earliest practicable period, was distinctly and emphatically proclaimed as a measure of that party.

Mr. Webster was of course well aware that the party with which he was to act, if he was to take any part in this canvass, was thus in a false position on this subject of Texas. He knew very well that its silence on this question would cost the votes of thousands who felt as he felt in regard to the increase of slave territory. But he could not change a condition of things for which he was in no way responsible; and he could not hesitate when obliged to choose between Mr. Clay and Mr. Polk. As to all the other principles of public policy proclaimed by the Whigs, and represented by Mr. Clay as their candidate, they were exactly what Mr. Webster had always advocated; and although Mr. Clay's opposition to the annexation of Texas was qualified, and was without reference to slavery, it was still an opposition to the measure itself, while Mr. Clay's personal fitness for the presidency was immeasurably superior to that of his Democratic opponent. It was apparent too, to Mr. Webster, that, whatever might be the result of the election, he himself would be in a better position to arouse the country against this project whenever it should be brought forward for execution, if he were to enter actively into the canvass in support of Mr. Clay. No Whig administration would dare to adopt it against

Mr. Webster's resistance, and, if Mr. Polk should become President, Mr. Webster would be able to lead all the opposition to this measure that might have any prospect of being effective. He determined, therefore, to advocate personally and actively the election of Mr. Clay. What he had himself experienced at the hands of a large section of his party, and from many of its leading presses, he determined to overlook.

This magnanimity it has long been the fashion to depreciate by the suggestion that he expected to follow Mr. Clay in the presidency. But, after all that a full examination of his confidential correspondence has revealed to me, after some personal observation of what was most heavily weighing upon him at this time in regard to the future, and after a thorough revision of his whole public conduct, I feel bound to give great prominence to this subject of Texas, and to his apprehensions concerning its bearing upon the welfare of this country. I believe it to have been, from the moment of its first suggestion, a matter of the deepest anxiety to him; and I am quite confident that I have presented to the reader striking evidence that, in respect to this dangerous project, he was animated by a patriotism that rose far above all the objects of personal ambition. Had he possessed less forecast as a statesman, had he not foreseen and foretold what this act was to bring upon us, and had we not seen the result, we might content ourselves with imputing to his political conduct the common motives of the politician who seeks for that line of action which shall best secure his own advancement. More than once I have said that Mr. Webster desired to be President; and this desire remained with him to the last. But posterity is concerned to know whether this is the key to his character, the explanation of his life, or the measure of his acts.

Earnestly and frankly he did all in his power to secure the election of Mr. Clay. The most important of the speeches which he made during the canvass—although he made a great many others—were those which he delivered at Albany, on the 27th of August, at Philadelphia on the 1st, and at Valley Forge on the 3d of October. These are all embraced in the second volume of his Works.

The principal topic discussed in them related to the issue

between the two parties on the subject of protective tariffs But although the Whig National Convention, in making its nomination and in declaring the principles of the party, had been silent in regard to Texas, Mr. Webster did not remain silent on that subject. He went as far as he could go without reflecting on the position of Mr. Clay. He said, at Valley Forge:

"Now, the subject for your serious consideration at this time is the annexation of another large territory to the twenty-six states we already possess. I have seen the dismemberment of Texas from Mexico with much hope. She sprung into existence of a sudden, perhaps prematurely, but she seemed competent to sustain herself in her position; and you and I and all wished her well, for we wished to see the advancement of human liberty. Men who set up a government after the plan of our own, and sincerely take our Washington for their model, are always entitled to our regard. But, whatever may be our feelings and desires in relation to Texas, we must not take such a vast extent of territory into our Union without looking a little into the internal condition of things there, and to the institutions of that country! And it has always appeared to me that the slavery of the blacks, and the unavoidable increase both of the numbers of these slaves, and of the duration of their slavery, formed an insuperable objection to its annexation. For I will do nothing now or at any time that shall tend to extend the slavery of the African race on this continent. Now, our opponents are in favor of immediate annexation at all hazards. The Secretary of State says, in the correspondence transmitted with the treaty to the Senate of the United States, that the United States are ready to take all the responsibility of annexing it immediately; because, he says, the annexation of Texas is necessary to preserve the domestic institutions of the two countries; that is, to preserve slavery in the United States, and to preserve slavery in Texas. To secure these objects, the United States will take all the responsibility.

"Now, slavery in this country stands where the Constitution left it. I have taken an oath to support the Constitution, and I mean to abide by it. I shall do nothing to carry the power of the General Government within the just bounds of the States.

"I shall do nothing to interfere with the domestic institutions of the South; and the Government of the United States has no right to interfere therewith. But that is a different thing, very, from not interfering to prevent the extension of slavery, by adding a large slave country to this. Why, where would this lead us to? Some day England may become deeply involved in domestic difficulties, and the people of the North may want the annexation of Canada. We have territory enough, we are happy enough, each State moulds its own institutions to suit its own people, and is it not best to leave them alone?"

Mr. Clay was not elected. Yet the popular vote cast for Mr. Polk was more than 24,000 below the aggregate of the votes cast for Mr. Clay and Mr. Birney, the "Abolition" candidate. A capital error was therefore committed in this election, by the Whig party and its leaders. If Mr. Webster had been their candidate, and the Whigs of the South had accepted his firm position on the subject of slavery, the issue would have been made with the Democratic party on the annexation of Texas. If the result of the election may be said to show that Mr. Polk would have obtained the votes of the same Southern States against Mr. Webster which he obtained against Mr. Clay, it must, at the same time, be said that the people of those States committed a fatal error, when they allowed themselves to be influenced by the delusive idea of defending the institution of slavery by enlarging its area, as the people of the Northern States committed one equally fatal by their general indifference to the consequences involved in the acquisition of Texas. But the die was cast. Texas was destined to come in under Mr. Polk, if not under Mr. Tyler. Henceforward nothing remained for Mr. Webster but to stand between the contending forces, that were sooner or later to be arrayed in the attack or the defence of slavery, and to do what he might to prevent them from rending the Constitution and the Union in pieces by their struggles.

# CHAPTER XXXI.

## 1844–1845.

MR. WEBSTER IS REËLECTED TO THE SENATE—THE ANNEXATION OF TEXAS SECRETLY NEGOTIATED—MR. WEBSTER NOT IN PUBLIC LIFE AT THIS TIME—PASSAGE OF THE JOINT RESOLUTIONS FOR ANNEXING TEXAS—TAKES HIS SEAT IN THE SENATE FOUR DAYS AFTERWARD—HIS OPINIONS ON THIS MEASURE—DEATH OF MR. JUSTICE STORY.

MR. WEBSTER was again elected to the Senate of the United States by the Legislature of Massachusetts, in the winter of 1844–'45, to fill the vacancy occasioned by the resignation of Mr. Choate; but he was not to take the seat until the 4th of March, 1845. How much his absence from public life may have emboldened the Administration of President Tyler to effect the annexation of Texas before the accession of Mr. Polk to the presidency should be simultaneous with Mr. Webster's return to the Senate, the reader will be able to judge, when he recollects that this annexation was accomplished by legislative resolutions, at a time when Mr. Webster could not be heard in Congress respecting the constitutional objections to the mode or the prudential objections to the thing itself. A constitutional argument from him on the subject of bringing foreign territory into this Union in the capacity of a *State*, made under his responsibilities as a Senator, does not exist. It is wanting, because the annexation of Texas was, to use his own expression, *sprung* upon Congress.

Mr. Calhoun became Secretary of State under President

Tyler, after the sudden decease of Mr. Upshur, in March, 1844. Alarmed, at what he believed to be the designs and intrigues of the British Government to effect the abolition of slavery in Texas, by inducing its people to change this feature of their Constitution, and considering that this change in the institutions of that country would leave the Southern States of this Union on the "exposed frontier" of a free State, from which they would be open to the aggressions of the Abolitionists, Mr. Calhoun took up and carried out a new and secret negotiation that had been begun by his predecessor, Mr. Upshur, by which Texas was to be brought into the Union as a State, through the action of Congress, instead of having it done by treaty, which had failed. An arrangement to this effect was made with the Government of Texas, and the whole project, together with the correspondence, which fully disclosed the motive of the proceeding, was suddenly submitted to Congress at the session which began in December, 1844. When, however, Mr. Webster said, in Boston, to incredulous ears, in the spring of 1844, that there *was* danger of the annexation, that he thought he could see how it could be done, and that he had no reason to suppose that the Administration saw this less clearly than he did, he did not intend to be understood as affirming that Texas could be brought in by the mode which was resorted to after a treaty had been rejected, for he was as much astonished as anybody in the country when it was proposed to bring her in by a congressional resolution. He alluded, in Boston, to a project of annexation by *treaty*, which he had discovered to be on foot in his conversation with Mr. Upshur. But, when the plan of effecting the annexation by congressional resolutions was suddenly broached, Mr. Webster could not be heard upon it as a Senator. He could do nothing on the subject save as a private man. He could advise the holding of public meetings, could supply his friends, who thought and felt as he did, with arguments, and could assist the few Northern presses which were disposed to present the subject in a proper light to the public mind. All this he did with an extraordinary vigor, activity, and earnestness, which I witnessed. But it will be asked, Why did he not speak in his own person, and why, especially, did he not discuss before the popular tribunal the constitutional ques-

tions involved in this measure? To these natural inquiries there are several answers.

In the first place, Mr. Webster did not enter the field as a popular agitator on this subject, because it was indirectly connected with a condition of affairs, in at least one of the States of this Union, in which it was not advisable that the influence of any sentiments of his, in reference to slavery as an institution, should be intruded. In the State of Kentucky there had been, for some time, a party endeavoring to effect emancipation; and this, as a natural consequence, had awakened a corresponding defence of slavery. Mr. Webster was strongly appealed to, by pressing letters, to take up this subject of Texas on purely antislavery grounds, so that the Abolitionists of Kentucky might have the aid of his countenance and support in their denunciations of the institution. But, of course, he could have stood in no such attitude without doing great injury to the real merits of the question of emancipation in any slave State which was then tolerating a discussion of the subject in its internal policy. An attack at this time upon slavery as an institution, proceeding from Mr. Webster, would have combined the whole South, Whigs and Democrats alike, in favor of all the immediate increase of the political power of that section that the Texas project, or any other project, could command.

In the next place, Mr. Webster believed it to be his duty to remember that he was a statesman, and was soon again to be a Senator and a legislator, bound by all the express and all the implied restraints of the Constitution. He considered it his duty, therefore, to treat this subject of the extension of slavery not as a merely moral and social, but as a political question, and to act upon it in reference to its bearing on the political relations of our system of government so as to preserve that system in its original scope and purpose, and not so as to promote or retard the abolition of slavery as an institution already existing in the States of this Union. His personal sentiments respecting that institution were well known, and were never changed. But he considered his public relation to it to be governed by the Constitution of the United States.

Finally, he did not at this time go before the people, in his

own person, in a constitutional argument against the proposed annexation of Texas, partly because there was a considerable degree of apathy on the whole subject among those persons in the free States who were the natural leaders of public opinion, and partly because he could not make that argument with the weight attaching to the responsibility of a Senator of the United States. He felt that the place to make it was the Senate; and, from that place, he could not be heard before the resolutions would be acted upon. In the form of a popular address, such an argument, proceeding from him, would have had far less influence upon Congress than a speech made in the Senate, where his antagonists must meet him face to face in debate.

Still, as has been said, all that he could do, consistently with his position, was done. He advised the assembling of a popular convention, which was held in Boston in the winter of 1844–'45, composed of delegates without distinction of party, from all the towns of the State; but he took no public part in its proceedings.

The joint resolutions for the annexation of Texas were passed by Congress on the 1st of March, 1845.[1] Four days afterward, Mr. Webster took his seat in the Senate. The following private letter was written on the 11th to his son, who was now returned from China, and living in Boston:

[TO FLETCHER WEBSTER.]

"WASHINGTON, Tuesday Morning, *March* 11, 1845.

"DEAR FLETCHER: The Secretary of State yesterday wrote a mild and conciliatory letter to General Almonte, in answer to his 'protest.' The substance of it is, that the annexation of Texas is a thing done; that it is too late for a formal protest to have any effect; that Mexico has no right to complain of such a transaction between independent states; that the Government of the United States respects all the just rights of Mexico, and hopes to bring all questions pending with her to a fair and friendly settlement, etc.

[1] In the Senate there were twenty-seven votes for the admission of Texas, and twenty-five against it. Of the twenty-seven, there were thirteen votes from the free States, four of them being from New England. The joint resolutions not only admitted Texas as a State, whose Constitution tolerated slavery, but they pledged the faith of the United States to allow of the formation of at least four more States out of Texas, and to admit them into the Union with or without slavery, if formed below the Missouri Compromise line of 36° 30′, but, if formed above the line, slavery was to be prohibited.

"General Almonte is still unable to travel, from the effects of his late severe illness.

"It will be seventy days, probably, before we shall hear how the Government of Mexico takes the news of the passage of the joint resolutions. She will be very angry, doubtless, and will calculate on the sympathies of other nations. She will, probably, send home Mr. Shannon, and, perhaps, decree non-intercourse with the United States; and, undoubtedly, will fail to resume the payments of the instalments due under the treaty. But that she will plunge at once into a war, though it is possible, is as yet not thought probable by the best informed here. Her present Government is said to be composed of the best of her public men.

"That Mr. Polk and his Cabinet will desire to keep the peace, there is no doubt. The responsibility of having provoked war by their scheme of annexation is what they would greatly dread.

"Nor do I believe that the principal nations of Europe, or any of them, will instigate Mexico to war. The policy of England is undoubtedly pacific. She cannot want Texas herself; and, though her desire would be to see that country independent, yet it is not a point she would seek to carry by disturbing the peace of the world. But she will, doubtless, now take care that Mexico shall not cede California, or any part thereof, to us. You know my opinion to have been, and it now is, that the port of San Francisco would be twenty times as valuable to us as all Texas.

"While we feel as we ought about the annexation of Texas, we ought to keep in view the true grounds of objection to that measure. Those grounds are, want of constitutional power, danger of too great an extent of territory, and opposition to the increase of slavery and slave representation.

"It was properly considered, also, as a measure tending to produce war. I do not think we should admit that, under present circumstances, Mexico can regard annexation as a just cause of war. Texas has been actually independent of Mexico for ten years. We have treated with her as an independent state, recognized her independence, and made treaties, and carried on commerce with her, in utter disregard of any claim of Mexico to exercise authority over her. For thus dealing with her revolted province, Mexico had a right to make war, according to national usages, if she had seen fit. But, having omitted to do this, and practically acquiesced in the recognition of Texan independence, by the United States and other governments, and having made no attempt at reconquest for so many years, she can hardly say, I think, that an entirely new case has arisen, by annexing Texas to the United States. I do not see that she had not as good a right to go to war, and indeed better, eight or ten years ago, than she has now. Let us hope that the two Governments may take such a view of their own interests and duties as shall lead them to keep the peace.

"Yours most affectionately,

"Daniel Webster."

This summer (of 1845), like the last, was passed chiefly at Marshfield, in raising the crops, for planting which he had given very minute directions in the spring. On the 17th of August he was visited by his annual catarrh, which was this year peculiarly severe, lasting until the month of November.

In the autumn, on the 10th of September, occurred the death of Judge Story, an event which moved Mr. Webster deeply. I saw him in the evening after the funeral, and found him much depressed; but on the morning of that day he had sufficiently overmastered his complaint to come from Marshfield to the city, and to pronounce before the Bar that beautiful eulogium on the great jurist which will be remembered while the works and the name of either of them shall continue to be known among men.[1]

[1] Works, ii., 297.

# CHAPTER XXXII.

## 1845–1846.

THE ANNEXATION OF TEXAS ACCOMPLISHED—GROUNDS OF MR. WEBSTER'S OPPOSITION TO IT—DISPUTE WITH ENGLAND ABOUT THE BOUNDARY OF OREGON—SUCCESSFUL EFFORTS OF MR. WEBSTER TO PREVENT A WAR—HIS COURSE ON THE OREGON QUESTION PROVOKES A PERSONAL ATTACK UPON HIS CONDUCT WHILE SECRETARY OF STATE—HIS PUBLIC DEFENCE OF THE TREATY OF WASHINGTON AND ITS ACCOMPANYING NEGOTIATIONS—CHARGES MADE BY MR. C. J. INGERSOLL, AND COUNTENANCED BY MR. DICKINSON—HOW MET BY MR. WEBSTER—SETTLEMENT OF THE OREGON DIFFICULTY—INVESTIGATION BY THE HOUSE OF REPRESENTATIVES OF THE CHARGES MADE AGAINST MR. WEBSTER—USE OF THE "SECRET SERVICE FUND"—A FULL ANSWER TO THE CHARGES—MR. WEBSTER'S RELATION TO THE "MANUFACTURERS" AMONG HIS CONSTITUENTS—ACCEPTS A SMALL ANNUITY FROM CERTAIN CITIZENS OF BOSTON—THE SUB-TREASURY REVIVED—ORIGIN OF THE WAR WITH MEXICO—MR. WEBSTER ABSENT AT THE TIME OF ITS DECLARATION—HIS COURSE IN REGARD TO ITS PROSECUTION—INQUIRIES ABOUT THE SPEECH IMPUTED TO JOHN ADAMS—CORRESPONDENCE.

AT the commencement of the session of Congress which began in December, 1845, it appeared that the Government and people of Texas were ready to avail themselves of the permission to enter the Union upon the terms and conditions of the resolutions of annexation passed at the previous session. A joint resolution for the admission of the State of Texas was accordingly introduced into the House of Representatives by Mr. Douglas, and was rapidly passed through all the stages of legislation. When it came up in the Senate, on the 22d of

December, Mr. Webster, seeing that it was useless to resist its passage, confined himself to a statement of the objections which he said always had governed, and always would govern him, in regard to this measure. It is important that those objections should be distinctly recapitulated here.

With regard to the form of making this foreign country and nation a part of the United States, he had always held that, if it were to be done at all, it should be done by diplomatic arrangement, sanctioned by treaty. This would have made the country a "Territory" of the United States, to be governed by Congress until it might be fit to form that Territory into a State or States for admission into the Union. The admission of a foreign state into the Union, by the legislative action of Congress, he regarded as unwarranted by the Constitution. With respect to the admission of Texas, under any form whatever, his objections were these: First, that to enlarge further the limits of the Union endangered the permanency of its institutions, which had always been the great subject of all his political efforts and the paramount object of his political regard. Secondly, that the example of a great, rich, and powerful republic, not possessed by a spirit of aggrandizement, was one due from us to the world, in favor of the character of republican government, and one that he had always wished this country to exhibit. Thirdly, that while he adhered, and always meant to adhere, to the original arrangements and compromises of the Constitution, he never could consent to the admission of new slave States into the Union, with the inequalities that were allowed and accorded by the Constitution to the slaveholding States which were in existence at the time of its establishment. He held that the States already in the Union had a clear right to insist that any new State should come in only upon an equality; and that, if slavery was an impediment to coming in on an equality, the State proposing to come in should either remove that inequality or be excluded. He rested this objection on the fact that such an increase of inequality and unjust advantage against the free States, in favor of the slaveholding States, deranged the balance of the Constitution. Finally, he objected to the constitution of Texas, that it tied the hands of the Legislature, in respect to the abolition of slavery; and although it might be in the power

of the people of the State to take away this restriction, when they wished to abolish slavery, he felt bound to look at the constitution as it was presented. With respect to the public men from the Northern and Eastern States, who had manifested a disposition to add Texas to the Union as a slave State with the common inequality belonging to slave States, he used these memorable words:

"They [these members of Congress] are in no way responsible to me for the exercise of the duties assigned them here; but I must say that I cannot but think that the time will come when they will very much doubt both the propriety and the justice of the present proceeding. I cannot but think the time will come when all will be convinced that there is no reason, political or moral, for increasing the number of the States, and increasing at the same time the obvious inequality which exists in the representation of the people in Congress by extending slavery and slave representation."

There are two observations which, in regard to Mr. Webster, should be made here. The one is, that, in all his public action on this subject, he entered into no consideration of the moral aspects of slavery, but dealt with the enlargement of it as an element of political power in reference to the mode in which it affected the structure and working of the government. The other is, that he distinctly foresaw how this increase in the political power of the slaveholding section would speedily be resented by the people of the free States, some of whose representatives had consented to it, and how the conflict thus produced was to result in further efforts on the one side to enlarge and on the other to restrict the extension of slavery. All such tendencies he would have suppressed, if he could, by avoiding all occasions for the introduction of this topic into the field of national political discussion and action. By closing the door against any further admission of slave States—which was entirely in the power of the North—the merits and demerits of the institution in all its moral and economical relations would be kept in the attitude of a purely State and local question. The requirements and the restraints of the Federal Constitution, and the general disposition of the people of the free States to reverence and to be bound by them, were sufficient, in Mr. Webster's judgment, to prevent any undue interference with the rights of the slaveholding States so long as there should be

no incentive to aggression created by measures which would bring the subject into necessary discussion in Congress. The public men who, while representing the same section of the Union, favored the annexation of Texas, must be presumed to have estimated less seriously than he did the causes which were to make this great prospective increase in the number of the slave States a standing topic of irritation and agitation in the North. Yet it was there, plainly and irrevocably stipulated in the resolutions of annexation, that four new States might be carved out of Texas, and could demand admission into the Union as slave States, if they should be formed south of the line known as the Missouri Compromise. While in the case of Missouri there might have been some necessity for that compromise as applied to a territory already in the Union, in order to quiet a dangerous controversy, there was no necessity whatever for acquiring Texas, and then applying to it a division which contemplated the future possible addition of four new slave States. It is true that the Mexican War was not necessarily to have been foreseen, with its resulting conquest and the fresh discussion of this question of slavery as applied to a still further increase of territory. But it needed no foresight to teach any man, when the foreign territory of Texas was acquired, that it was done expressly and avowedly in order to enlarge the area of slavery and to fortify the political power which rested upon it; and that a new element of discord was thus introduced into the Union which had never until then disturbed its councils or alienated its people from each other. Acquisitions of foreign territory had been made before, which had become in progress of time slave States; but they had been made with mixed motives and from a general sense of an overruling necessity which equally affected the whole country. Now, a vast foreign territory was added to the Union, from the pure and unmixed motive of increasing the sectional power of one of its parts. The precedent and the motive were alike of dangerous import.

It has already been seen that a settlement of the boundary of Oregon was not negotiated between Mr. Webster and Lord Ashburton, because the latter was not prepared to go into a discussion of that subject. During the administration of Presi-

dent Monroe, the United States made an offer to England to extend the forty-ninth parallel of latitude to the Pacific, as the boundary between the possessions of the two countries; and Mr. Webster was always of the opinion that this was the proper thing to be done. But, down to the period when he left the Department of State, and for some time afterward, the British Government, in the interest of the Hudson's Bay Company, claimed to follow the Columbia River to the ocean, and insisted that the title of the United States, derived through the Louisiana and Florida Treaties, was not exclusive to any portion of the territory, but that the whole was subject to the joint and rival claim of England. This pretension produced a corresponding extravagance in this country. The Democratic Convention which nominated Mr. Polk to the presidency, in the spring of 1844, proclaimed, as one of its party shibboleths, that "our title to the whole of Oregon is clear and unquestionable," and resolved, that "its reoccupation at the earliest practicable period is a great American measure," to be recommended to the cordial support of the "Democracy of the Union." The sole truth about our title was, that it combined the Spanish and French titles, which were founded on the doctrine of prior discovery as applied to the Columbia River, with such doubtful occupation as had been taken. But popular and party spirit was not likely to allow of much intelligent investigation of such a claim, and the "Democracy of the Union" readily embraced the conclusion that our title was "clear and unquestionable." President Polk, in fact, regarded himself as elected under a popular instruction to assert this claim; and in his inaugural address in March, 1845, he repeated the declaration of the party which had nominated him to the presidency, in the very same words and with marks of quotation. The claim of the United States, as the President asserted it, extended to 54° 40′ north latitude; and "fifty-four forty or fight" became one of the party cries all over the land.

In the mean time Mr. Pakenham having arrived in Washington, and been accredited, and the negotiation being in his hands, a proposition was made to him by our Government to take the forty-ninth parallel as the boundary, but without conceding to Great Britain the free navigation of the Columbia

River. This proposal was rejected by the British minister; it was then immediately withdrawn, and our title to the whole of Oregon was reasserted. Such was the posture of this affair in the autumn of 1845; the two Governments standing aloof from each other, both claiming a clear right to the whole territory. The two countries were on the verge of a war. On the Continent of Europe, thoughtful men, who remembered that Mr. Webster no longer had charge of our foreign affairs, but who were aware how these two nations had been rescued from a similar hazard only three years previously, could not conceal from themselves the danger that this dispute about a wilderness on the Western coast of North America might involve the civilized world in the horrors of war.

It had long been true of Mr. Webster, far more than it has been of any other statesman in our annals, since the age of Washington, that he could influence opinion in Europe. That he possessed this power, he naturally knew; and this appeared to him to be an occasion when he was bound to exert it. On the 7th of November, therefore, he went into Faneuil Hall and spoke on this subject of Oregon. He began by saying that the vast importance of peace with England, he took for granted; but that the question which now threatened that peace, and was causing great alarm, was of forty years' standing, and was coming to a crisis. After expressing the opinion that it was a fit subject for compromise and amicable adjustment, and that such an adjustment could be made in a manner perfectly consistent with the honor and the rights of all parties, he indicated the forty-ninth parallel as a natural arrangement, the two countries keeping abreast on that line to the Pacific Ocean. At all events, he said, "it was certainly not a question on which, by loud representations of patriotism on the one side, or extravagant claims of commercial greatness on the other, to embroil the two nations in hostile relations." The spirit of the age was against it. He then proceeded as follows:

"Now, gentlemen, who is the man at the head of either Government, who will take upon himself the responsibility of bringing on a war between two nations like Great Britain and America upon a question of this kind, until he is prepared to show that any thing and every thing that he could do has been done to avoid such a terrible ultimate result? If a

British minister, under whose administration a war should ensue on this question, cannot stand up in Parliament and show that it is not his fault—cannot show that he has done every thing which an honest and sensible man could do to avert the conflict, I undertake to say that no power or popularity can uphold his shaking position for an hour. And in the same sense and spirit I say, that if in this country any party shall, before we are aware of it, plunge us into a war upon this question, it must expect to meet a very severe interrogatory from the American people—must expect to prepare itself to show that it had done all that it could, without any bias from the pride of success or the love of war—all that it could do to keep the nation safe from so great a calamity, with the preservation of its rights and its honor.

"Gentlemen, it appears to me that any man, Prime Minister of England or President of the United States, who should unnecessarily light up the flames of war upon such a subject (flames, let me add, that will burn over the whole globe), may well consider the genius of his country addressing to him the words which the orator of Rome supposed the genius of his country would address to him if he did not quell the Catiline conspiracy: '*An cum bello vastabitur Italia, vexabuntur urbes, tecta ardebunt; tum te non existimas invidiæ incendio conflagraturum.*'

"No, gentlemen! the man who shall incautiously, or led on by false ambition or party pride, kindle those fires of war over the globe on this question, must look out for it—must expect himself to be consumed in a burning conflagration of general reproach.

"There will be a public indignation before which no popularity, public or private, can stand—it will melt down every monument of the dead, it will destroy all respect for the living, it will burn up every vestige of respect for individual worth, if unnecessarily, if recklessly, if ambitiously, it has plunged the subjects and citizens of two civilized Christian states of the world into war—a war which shall cause the loss of millions of wealth—shall turn cities to smoke—shall cost thousands and hundreds of thousands of lives; and those smoking cities, and that destruction of property, and that sacrifice of life, shall be found over the whole globe, in every latitude and longitude surrounding the ball on which we live."

A letter, which now lies before me, written from Copenhagen on the 24th of December, informed Mr. Webster that this speech had been translated and published in full not only in Denmark and in Sweden, but in nearly every language on the Continent. It was considered, out of England, as having settled the question of peace or war.

But the diplomatic crisis was not passed until some time afterward. On the assembling of Congress, in December (1845), President Polk, in his annual message, after having re-

cited the history of the negotiations, and submitting the correspondence, recommended that notice be given for terminating the joint occupation of the territory under the Convention of 1827, and that the laws of the United States be extended over our citizens in that country. From this point Mr. Webster's influence in the settlement of this controversy involves a public and a private history which must be taken together.

At about the middle of December, he received a private letter from James MacGregor, Esq., of Glasgow, a distinguished member of Parliament. In his answer to this letter, Mr. Webster suggested the offer by the British Government of the forty-ninth parallel as the boundary. His letter was shown to Lord Aberdeen, and the suggestion was acted upon.

But on the 15th of December General Cass introduced into the Senate certain resolutions relating to the national defences, assigning, as a reason for making inquiries into the condition of the militia, the army, and the navy, the relations between this country and England on the Oregon question. On the following day, Mr. Webster, in some grave remarks in which he uttered a caution against alarming the country, expressed his belief that no war would grow out of this matter; and, while he purposely abstained from any present discussion of the President's recommendation or the correspondence, he said that there were two ways in which a government could proceed; "it might create alarm and apprehension, and it might, if it chose, create no unnecessary alarm, but make quiet, thorough, just, politic, statesmanlike provision for the future." He then intimated that the President, having communicated the ultimatum of this Government, might be looking for propositions from the other side. At least he felt bound to suppose that the President understood the responsibility of the position in which he was placed. He deprecated the resolutions only in connection with the remarks with which they had been introduced. If other Senators were disposed to say that the time had come for augmenting the army and navy, he was ready to coöperate with them.[1]

On the 18th of December, Mr. Allen, of Ohio, presented a joint resolution, advising the President to give notice to

[1] Works, v., 60.

Great Britain that the Government of the United States would terminate the convention for the joint occupation of Oregon. In allusion to this "notice" resolution, the following extracts from Mr. Webster's private correspondence may be introduced here:

[TO MR. FLETCHER WEBSTER.]

"The 'notice' resolution will only barely get through the House, unless some stimulus be furnished by the news from England by the next steamer. Things remaining as they are, it will not pass the Senate at all. There will be no war; but I expect a squall when the steamer arrives, say about the 20th. I believe Mr. Pakenham thinks the message will make quite a stir in England. Perhaps he may overrate its effects.

"If you will write me a letter every other day, I will keep you well advised of every thing here; but you have a foolish notion that one should not write unless he has something to say. That is nonsense. If he has nothing to say, let him say so, and that is something.

"One other rule—never put a private matter in a general letter. Don't you know that others always want to read general letters? D. W."

[TO MR. SEARS.]

"Washington, *January* 17, 1846.

"My dear Sir: If the news by the next steamer should not be very exciting, I think the chance a good one for the prevalence of more moderate and wiser counsels here. There is doubtless a very bad spirit among some members of the House of Representatives; but others, who talk loud and large, do not, nevertheless, intend or desire war. I think this last class includes nearly all the Southern members who have spoken in favor of giving the notice.

"An opinion is at the present moment rather gaining ground in favor of arbitration, and of offering fair terms of submission to reference, at the same time that notice is given, if notice shall be given at all. I understand that Mr. Crittenden and Mr. Clayton would assent to this. My opinion is, however, that, unless a storm be raised by the news from England, no notice will be given. The South will be nearly united against notice, though too many Southern members make violent speeches for home consumption. The principal war feeling comes from the Northwest. Those new States, full of enterprise and fast becoming full of people, and being so circumstanced as to have nothing which would be put to hazard by war, seem to look upon war as a pleasant excitement or recreation. They have no cotton crops and no ships; while war would create much employment among them, raise the price (as they think) of their provisions, and scatter money.

"Most of the Whigs in the Senate incline to remain rather quiet, and to

follow the lead of Mr. Calhoun. He is at the head of a party of six or seven, and, as he professes still to be an Administration man, it is best to leave the work in his hands, at least for the present.

"I incline to think, that either through Mr. McLane or Mr. Pakenham, the British Government will make a fair offer of arbitration, unless it shall first propose some plan of dividing the territory, not yet rejected. I am quite sure England will offer arbitration, if nothing else can be done, and, if the offer be fair, it will be found difficult to reject it here.

"Yours very truly,

"Daniel Webster."

Mr. Webster, in fact, when writing the last of these letters, believed that a conciliatory proposition had come, or would soon come, from England. At all events, he thought it necessary to draw out the actual state of the correspondence down to the latest moment; and, accordingly, on the 26th of January, he submitted a resolution, calling on the President for the correspondence. When this resolution was answered, the message was found to cover a correspondence down to the 4th of February, on which day Mr. Buchanan had declined Mr. Pakenham's proposal for an arbitration which would warrant a division of the territory, and saying that the President would not, in any event, submit any thing to arbitration but the title to the whole country in dispute. In this attitude of the matter, the "notice" came up for discussion in the Senate, on the 10th of February, and was continued until the 26th, on which day Mr. Webster spoke upon the several propositions in regard to the forms and conditions of the notice which were then pending. The substance of what he then said was, that it did not appear that the Executive desired or expected war; and, if not, then the alternatives were a continuation of the controversy, or a settlement by negotiation. Yet, as the demand was "the whole of Oregon or none,"[1] what was there to negotiate about? He said that he could not much longer remain quiet in this posture of affairs without knowing for what purpose the Executive desired the notice to be given.

The firm attitude in which he thus stood, and pressed the responsibility for the next step in this hazardous movement, so as to hold the action of the Senate for the present in check,

[1] Which meant Oregon up to 54° 40′.

was not pleasing to the Administration Senators. In the course of the discussion, allusion was frequently made to the Treaty of Washington, and very disparaging remarks were thrown out respecting its negotiation, in which Mr. Webster was accused of having unconstitutionally surrendered a portion of the State of Maine, and with having made a boundary unfavorable to his own country. Mr. Dickinson, of New York, especially, on the 24th of February, alluding to some charges which had been made by Mr. C. J. Ingersoll, in the House of Representatives, concerning the case of McLeod, said:

"I have heard it said that counsel who defended him [McLeod] were paid by the nation. I make not the charge; I hope, for the honor of the nation, it may not be so."

Mr. Webster: "It is totally false."

Mr. Dickinson: "At all events, I have understood that the Federal Government insisted upon its right of taking possession of the individual, and thus preventing New York from holding jurisdiction of a person who declared that he held the death-missile which terminated the life of a citizen of that State. Does the Senator wish to explain?"

Mr. Webster: "Not at present; I do not wish to interrupt the Senator. I shall think it necessary, perhaps, to call on him for the authority on which he makes this statement."

Mr. Dickinson said that he had alluded to it that the statement, which had been made in the other House, if untrue, might be contradicted.

Here the matter was dropped for the present. But Mr. Webster had been so violently assailed in both Houses of Congress for the manner in which he had conducted the foreign affairs of the country, that he could not refrain from the opportunity, which these attacks afforded, to bring the whole subject of the treaty, with its accompanying correspondence, before the Senate, where he had not till now been able to speak of them. Accordingly, on the 20th of March, he submitted a resolution, calling for the correspondence. When this call was answered, he said, on the 3d of April:

"In the course of the discussion on the Oregon question, observations have been made from various quarters of the Senate in disparagement of the Treaty of Washington, of August, 1842. It was my fortune, whether for good or evil for my country and myself, to have a hand in the nego-

tiation of that treaty. It was much discussed before the Senate, and that discussion was made public. In returning here again, sir, through the favor of the Commonwealth of which I am a citizen, nothing was further from any purpose of mine than to revive or to reconsider, or to discuss over again, any of the questions connected with that treaty. There have been sentiments expressed by Senators here very unfavorable to that treaty, but sentiments which, of course, gentlemen have a right to express. The President of the United States at the time, and myself as Secretary of the Department of State, have been concerned in a transaction which has been submitted to the Senate, which was properly before the Senate, and was a fit subject for discussion in the Senate. Nobody ever heard or ever will hear a word of complaint from me of any thing said by any Senator in his place on that occasion. But, since I have come here again, and, in the discussion of the Oregon question, allusions have been frequently made by way of disparagement to that treaty in many particulars, I have not thought it my duty to forbear a proper and just vindication of the treaty, as well for myself, who bore a secondary part in it, as for the then President, who gave it his sanction, and submitted it to the Senate.

"It is my purpose, therefore, with the leave of the Senate, to trespass, I hope not too long, on its indulgence, as soon as I have an opportunity, and to take occasion to reply to the allusions which have been made in this debate to the Treaty of Washington."

On the 6th and 7th of April he delivered the speech in defence of the Treaty of Washington, which now stands in the fifth volume of his Works. But, in this edition of the speech, there are several passages omitted in which he reflected with great severity upon Mr. Ingersoll and Mr. Dickinson. I believe this was the only occasion in Mr. Webster's public life in which he gave way to an indignation that led him into personal denunciation of his opponents; and it is right that the provocation should be fairly stated. Mr. Dickinson, after what he had said in the debate on the Oregon question, as above quoted, printed his speech, and appended to it, in a note, an extract from the speech of Mr. Ingersoll, containing some of the charges against Mr. Webster, which had been made by Mr. Ingersoll in the House of Representatives, as will appear hereafter. The charges thus quoted by Mr. Dickinson from Mr. Ingersoll were, that Mr. Webster had instructed the Attorney-General to proceed to New York, and take charge of the defence of McLeod; and that he had written to the Governor of New York that, if McLeod were not released, the city of New

York would be "laid in ashes." As there was no foundation whatever for these imputations, it is not remarkable that Mr. Webster should have been incensed. It should be added, too, that although not brought before the Senate by Mr. Dickinson, Mr. Ingersoll's speech in the House of Representatives embraced other charges against Mr. Webster, which would have been most disgraceful if they had been true. As I shall have occasion hereafter to refer to the subsequent relations between Mr. Webster and Mr. Dickinson, and to quote a correspondence which the latter gentleman treasured to the close of his life as one of his most valuable possessions, it seems suitable that the real cause of their personal estrangement for a time should be distinctly explained in the proper connection.

In defending the Treaty of Washington and its accompanying negotiations, Mr. Webster refuted the charges which had been made of improper interference in the case of McLeod, and showed that his correspondence with the Governor of New York embraced nothing more than the letter written on the 11th of March, 1841, expressing the gratification of the President at having heard that the Governor intended to enter a *nolle prosequi;* which information, as we have seen, turned out to be erroneous. The residue of the speech was devoted to an explanation and a defence of the treaty in respect to the boundary, the right of search, the extradition of fugitives from justice, the affair of the Caroline, the question of impressment, and the immunity of the coasting trade.

He closed the speech as follows:

"Mr. President, I have reached the end of these remarks, and the completion of my purpose; and I am now ready, sir, to put the question to the Senate and to the country, whether the northeastern boundary has not been fairly and satisfactorily settled; whether proper satisfaction and apology have not been obtained for an aggression on the soil and territory of the United States; whether proper and safe stipulations have not been entered into for the fulfilment of the duty of the Government, and for meeting the earnest desire of the people in the suppression of the slave-trade; whether, in pursuance of these stipulations, a degree of success in the attainment of that object has not been reached wholly unknown before; whether crimes disturbing the peace of nations have not been suppressed; whether the safety of the Southern coasting trade has not been secured; whether impressment has not been struck out from the list

of contested questions among nations; and, finally, and more than all, whether any thing has been done to tarnish the lustre of the American name and character?

"Mr. President, my best services, like those of every other good citizen, are due to my country; and I submit them and their results, in all humility, to her judgment. But, standing here to-day, in the Senate of the United States, and speaking in behalf of the Administration of which I formed a part, and in behalf of the two Houses of Congress, who sustained that Administration cordially and effectually in every thing relating to this day's discussion, I am willing to appeal to the public men of the age, whether, in 1842, and in the city of Washington, something was not done for the suppression of crime, for the true exposition of the principles of public law, for the freedom and security of commerce on the ocean, and for the peace of the world?"

Before leaving the subject of Oregon, it is only necessary to state, that the resolution giving notice to terminate the joint occupation was passed by both Houses of Congress, and was transmitted to London, where it was received by Mr. McLane on the 15th of May, for delivery to the British Government. But it had already been determined by the British ministry to offer to extend the forty-ninth parallel as the boundary to the sea, substantially in conformity with the advice which Mr. Webster had given both publicly and privately. On the 19th of May, before the notice was delivered, instructions were sent to Mr. Pakenham to make this offer. It was made, and on the 6th of June a protocol was signed between Mr. Buchanan and Mr. Pakenham, embodying this proposition. The advice of the Senate was then taken upon it, and on the 15th of June, the Senate having advised its acceptance, it took the form of a treaty.

It is now necessary to recur to what took place in the House of Representatives while the subject of Oregon was under discussion in that body. Charges of corruption, misconduct, and defalcation in office are, perhaps, not more common in our country than under other free governments; and, while it undoubtedly concerns the public interest that they should be investigated when made, from whatever motive they are made, the circumstances under which they are brought forward should not be overlooked. Mr. Webster had stood, during the whole of this session of Congress, in an attitude of firm resistance to

the precipitate tendencies of those whose rash and inconsiderate counsels might have impelled us into an unnecessary war. He did not believe that the President or his official advisers desired a war; but he saw that many of the supporters of the Administration were disposed to urge the Executive to a point at which a rupture with England would be inevitable. He wished to prevent the President from being forced into such an attitude, and to gain time for the arrival of pacific propositions which he had reason to believe would come from England. Hence arose the irritation against him in the minds of a portion of the Administration members in the Lower House.

Mr. Ingersoll, who first made public these charges against Mr. Webster, lent a too credulous ear to what was intimated to him by others whose names did not come before the public, but whose desire to injure Mr. Webster in the estimation of *both* the great political parties lay wholly aside from his course on the Oregon difficulty. Mr. Ingersoll was told that there were transactions connected with the case of McLeod in New York, and with the management of the boundary matter in Maine, which were irregular and improper. Of a somewhat impetuous temperament, he took fire at these suggestions, and gave utterance to the charges in the House of Representatives. Then followed Mr. Dickinson's introduction of some of them into the Senate, on the authority of Mr. Ingersoll, and Mr. Webster's indignant denunciation of both these gentlemen. Mr. Ingersoll, thereupon, sought for proof to sustain the charges, and was permitted to look for it in the Department of State, by some of its inferior officers. Finding there what he supposed was proof—but on which he put a wholly erroneous construction—he reiterated and amplified the charges in the House and called for an investigation. The result will appear from the following account of what took place, which is condensed from the official reports.

On the 9th of April, two days after Mr. Webster's speech in the Senate in defence of the Treaty of Washington, Mr. Ingersoll arose in the House and declared that freedom of speech had been grossly attacked through him by Mr. Webster. He intended, he said, to make no personal defence, but merely

wished to explain the object of some resolutions which he was about to offer.

The substance of the first resolution was, that a call be made upon the Secretary of State (subsequently changed to the President) for an account of all payments made from the fund for contingent expenses on the President's certificates since March 4, 1841, with copies of all entries, receipts, letters, vouchers, or other evidences of payment, particularly all concerning the Northeastern Boundary; also a communication made by the Secretary of State during the Twenty-seventh Congress to Mr. Cushing and Mr. Adams, of the Committee on Foreign Affairs, regarding a desire of the President to institute a special mission to England; and copies of any letters on the books of the State Department to any officer of the United States, or person in New York, concerning Alexander McLeod.

The second resolution called on the chairman of the Committee on Foreign Affairs for the minutes kept by that committee during the Twenty-seventh Congress. These minutes, Mr. Ingersoll said, would prove that Mr. Webster had lately denied the rightfulness of our claim in the Oregon dispute. He then proceeded with his explanation.

The documents called for in the first resolution would, he said, furnish proofs of Mr. Webster's "misdemeanors in office," his "fraudulent misapplication and personal use of the public funds," and his "corrupting party presses with the money appropriated by law for the contingent expenses of foreign intercourse." He applied to Mr. Webster the terms "delinquent," "public defaulter," and other opprobrious epithets, and spoke of him as having been removed from an office to which he was a disgrace. He furthermore declared that the late Secretary did not account for public money "fraudulently abstracted from the department until more than a year after he was expelled from it," and then, not by refunding it, but by means of vouchers from "notoriously base agents of his choice." There was one letter, he said, which applauded Mr. Webster for his new and admirable mode of settling—by corrupting the press—a question which, for forty years, had baffled statesmen who were scrupulous as to their employment of the public money. It would also be shown that money had been used to obtain the release

of McLeod. Mr. Ingersoll concluded with hinting at the impeachment of Mr. Webster, as the result of all this enlightenment of the House.

Mr. Dromgoole made a few remarks, exonerating the Whig party from all responsibility in the case. The Secretary of State was at the time separated from the party, and, he said, acting with the most corrupt Administration that ever existed in this country. The charges which had been made against Mr. Webster he had no doubt were entirely true, and he favored the resolutions. It was enough for him that Mr. Webster's son was engaged in running the boundary line.

Mr. Bayley opposed the resolutions. He said, it had been considered expedient that a certain fund should be employed in secret service, and the whole utility of it would be destroyed by making its use a subject of investigation. No future minister would venture to employ it, nor would agents consent to perform the services necessary. The very nature and object of this service forbade any such prying into the employment of that fund. Only a partial revelation was possible, and that was not expedient. He did not believe a Senator could be impeached for what he had done as Secretary of State. The only proper method of setting these charges at rest was by appointing a committee to investigate them.

Mr. Hilliard expressed his regret at the personal collision which had occurred between two so eminent members of Congress as Mr. Ingersoll and Mr. Webster. It must have arisen from misconception and misunderstanding. He defended Mr. Webster's character, and declared that he had rendered the country illustrious, and was honored and loved abroad as no other American had been since Washington. He thought that the friends of Mr. Webster should be the last to place any obstacle in the way of investigation into charges made against him.

Mr. Winthrop was of opinion that Mr. Webster had shown himself fully capable of defending himself; he only wished to say a word in defence of the honor and dignity of the House. A resolution ought not to be entertained which was offered by a man in a passion from the sting of severe rebuke. The charges were made in a spirit of anger and revenge. If true,

why had they not been brought forward before? This was an attempt to blacken the character and fame of one whose name would live after others (whom he would not designate) were buried in merited oblivion. Should they allow this proceeding, in order to gratify a passion raised by personal rebuke?

Mr. Seddon thought that, after the charges which had been made, it was due to Mr. Webster himself that the investigation should be made, but it should be strictly limited to the object of ascertaining the foundation of the charges. His wish was to do justice to Mr. Webster.

Mr. Adams said that the secret service fund was disbursed on certificates of the President, and was frequently of great importance, and not necessarily used for corrupt purposes. The Secretary of State was in no degree responsible for its use, and it did not necessarily pass through his hands. The President alone had power to use this money, but might make the Secretary of State his agent in disbursing it. If any one was to be impeached for its misapplication while Mr. Webster was Secretary of State, Mr. Tyler was the man. Any expenditure of the money by the Secretary of State could only be by his order, and it was to be accounted for only by his certificate. No good could come from bringing to light the secret history of the Northeastern Boundary negotiation or of the McLeod case. So far as the charges against Mr. Webster were concerned, there could be no objection; it would no doubt go much further toward justifying him than proving the charges. So far as concerned the expenditure of the secret service fund, the responsibility was wholly with the President.

Mr. Yancey said Mr. Adams had intimated that the House of Representatives had no authority over the fund devoted to the secret service, and therefore no right to institute these inquiries. Mr. Yancey differed with him. All appropriations of money, he said, belonged to the House, and it had a right to demand a full account of all expenditures. Every person intrusted with the public funds had been and should be held to a rigid account. Mr. Ingersoll had accused Mr. Webster of a corrupt use of the public money, and called for evidence. This he had a perfect right to do. He (Mr. Yancey) did not agree with Mr. Adams, that the President alone was responsible for the use of this fund.

When the money passed into Mr. Webster's hands, he became responsible for the use of it. Mr. Tyler could not be brought forward to shield Mr. Webster. Every officer was responsible for his own acts, and, if these charges were proved, Mr. Webster might be impeached by the House. Mr. Yancey was particularly offended by what he called his colleague's (Mr. Hilliard's) "fulsome eulogy" of Mr. Webster. He thought it outrageous to compare him with Washington. He knew Mr. Webster only from history, and, after what he learned of him there, he should "loathe a political affinity with him." What was the foundation of this eulogy? What had he done to give him so much honor abroad? Was it for his conduct in the late war, when he refused to vote clothing and supplies for the soldiers, and did every thing in his power to embarrass the Government in its hour of peril? Was it for his course on the French question, when he declared that he would not vote a cent for defence if the enemy were battering down the walls of the capitol? Was it for the Ashburton Treaty, when he gave away the land of the country, left murder unavenged, and the right of search unsettled? If Mr. Hilliard's eulogy was not for these things, what was it for? Was it because he acted now as the pensioned agent of the manufacturing interest of Massachusetts? He protested against the monstrous statement that Mr. Webster's name made the country honored and respected abroad. He had no doubt that Mr. Webster's name would live, but fame did not always depend on merit. Benedict Arnold was famous. "The daring youth that fired the Ephesian dome outlives in fame the pious fool that reared it." With regard to Mr. Webster's corruption, he had been charged with being the pensioned agent of the United States Bank and of Great Britain, and now he was charged with being the pensioned agent of the manufacturers of Massachusetts. He would ask the member from Massachusetts (Mr. Winthrop) whether it was true that one hundred thousand dollars had been given him or settled on his family, raised by his friends on manufacturing stocks. Mr. Yancey intimated that he understood Mr. Webster had been inclined not to return to the Senate because a part of it was not paid, and now he was the paid attorney of the manufacturers to prevent the repeal of the tariff acts. It had been

said that Mr. Webster was poor and of expensive habits: what if he were as poor as Cincinnatus, could he not forego his expensive habits to serve his country, without the additional reward of six thousand dollars a year? Mr. Yancey dwelt at length on this charge of the pension from the rich manufacturers, declaring that Mr. Webster was not a free representative; all his views were those of an advocate, and colored by his bribe. Was this the basis of the eulogy?—Mr. Webster's defence of himself, he said, and his attack on Mr. Ingersoll, were undignified and vituperative, without honest indignation or elevated sentiment. America could receive no respect at home or abroad from her connection with Mr. Webster. He had been called a defender of the Constitution—what right had he to that name, "this latitudinarian constructionist, so ready to sacrifice the provisions of the Constitution except when the country was in danger and vigorous action was called for?" He would give nothing for the defence of the country, but thousands for the improvement of creeks and rivers, and the construction of canals and roads. Mr. Yancey closed by reiterating his "loathing" of Mr. Webster's public character, and declaring that, if not the wisest, he was the "meanest, basest of mankind." All acknowledged his intellectual power, but intellect when not united with integrity was worthy of no respect.

After some further scattered remarks, among which was a defence by Mr. Hilliard of his former statement with regard to the esteem for Mr. Webster abroad, Mr. Ingersoll's resolutions were adopted by a vote of one hundred and thirty-six to twenty-eight.

The subject was brought up again the next day by a motion of Mr. Dixon to reconsider this vote. In February, said Mr. Dixon, Mr. Ingersoll had gone out of the record to make an attack on Mr. Webster, and his charges had been sent all over the country, in his own speech and that of Mr. Dickinson. Mr. Webster had not adopted Mr. Ingersoll's method of defence, by making counter-accusations, but had himself called for papers and entered into an able vindication of himself, which rendered all further investigation unnecessary. Instead of substantiating his former charges, Mr. Ingersoll had entered into a new tirade against the character and reputation of Mr.

Webster. He (Mr. Dixon) did not believe in giving any more countenance to this proceeding. Mr. Dixon's motion failed.

On the 11th Mr. Winthrop rose to an explanation. When asked by Mr. Yancey about the "pension" of one hundred thousand dollars, he had said that he knew nothing about it—which was strictly true at the time. Lest his position should be misconstrued, however, he would state some matters which had come to his knowledge since. He was now prepared to make a specific denial of the charge against Mr. Webster in every sense. He owned no dollar in manufacturing stocks, nor had any one money so invested for him; and he was in no way interested in the rise and fall of manufacturing stocks. But an arrangement had been made, highly honorable to Mr. Webster—"as high a compliment as any that was ever paid to a public man in this country." An annuity had been settled on him as a testimonial for his past public services. Mr. Winthrop then read a passage from the letter tendering this testimonial, showing that it had no reference to his remaining in the Senate, or to his future course there. He was there by the free, unsolicited suffrages of the Legislature of Massachusetts.

Mr. Yancey still insisted that, in spirit and effect, it was a bribe. These presents in recognition of past service always had tacit reference to future services. High-minded statesmen had refused to receive them.

The message of President Polk, in reply to Mr. Ingersoll's resolutions, was received on the 20th of April.

He gave some account of the fund for contingent expenses, a part of which was disbursed solely on the authority of the President, no evidence being required by the law, except his certificate. Since 1810 this had been expended in pursuance of the provisions of the present law, and no inquiry had ever been made as to its use. The certificate of the President was, in effect, a solemn determination that the use of that money should remain secret, and there was great doubt whether his successor could be justified in making it public, when there was no means of forming an adequate judgment of the propriety of the objects for which it had been employed. If he was authorized to answer this call, he must answer all similar ones. It had never been attempted to make public the use of this fund,

and he (the President) greatly apprehended the consequences of such a precedent, for it would entirely defeat its purpose. It was admitted to be a necessity that such resources should be used, and they must be used in secret service, and kept forever from the public. "While this law exists in full force," said the President, "I feel bound, by a high sense of public policy and duty, to observe its provisions and the uniform practice of my predecessors under it." As to the papers referring to a special mission to England, he said, "no such communications, or copies of them, are found in the Department of State." The papers relating to McLeod were submitted.

Mr. Ingersoll rose to some explanations. Allusion had been made to a conspiracy; if there was one, he was the only conspirator. When he was subjected to a "coarse contradiction," in "another place," he had made investigation for the purpose of vindicating himself, and he had unexpectedly come upon the evidence which led him to make the charges which he had made, all of which could be proved by that evidence. With regard to the special mission, Mr. Webster had called his statement "another falsehood," but he would show by an extract from the journal of the Committee for Foreign Affairs, in the handwriting of Mr. Adams, that reference was there made to "a communication from the Secretary of State to Mr. Cushing and Mr. Adams, of the wish of the President of the United States to institute a special mission to Great Britain," and that the question of an appropriation for the salary and outfit of the minister was submitted to the committee and defeated.

Mr. Adams said that such an application was made and defeated in committee, but he had no recollection of any letter or written communication. He never supposed there was any secrecy or any treason in the matter, or any thing more than an ordinary application to that committee.

Mr. Ingersoll said, that he had supposed that so important a communication had been in writing, and was surprised at not being able to find the letter. He reiterated his charges with regard to the McLeod affair, and declared that Mr. Crittenden's explanation of his agency in the matter, and his statement that he acted with the full sanction of the President, did not alter the case. Mr. Webster was the prime mover. Mr. Harrison

had said, at his inauguration, that he was not well informed with regard to the foreign relations of the country, and he must have deferred greatly to the Secretary of State in all these matters. All his charges were true and susceptible of proof. They were: 1. That Mr. Webster had taken into his possession the fund for contingent expenses in foreign intercourse, a thing never done before or since. 2. He had used a portion of this fund to corrupt party presses. 3. He had left office indebted to that fund, and had not been able to make a settlement for two years after leaving the Department of State. Mr. Ingersoll said, that he should make no further movement in this matter—that duty belonged to others—he simply affirmed that his charges were true and capable of proof.

Mr. T. B. King arose and said, that a member of that House had assailed the character and reputation of a man in high official station, and was bound to substantiate his charges. This he had not done, but had brought forward additional accusations, which he had also failed to substantiate. He (Mr. King) was authorized to say that not one cent had been disbursed from this contingent fund without the written sanction of the President—that not one dollar had been paid to any connection, or personal or political friend of Mr. Webster. For all that had been expended, very reasonable and proper objects might readily be supposed, considering the state of affairs at the time. The secret organizations on the Canada border required attention. Confidential agents were needed in Maine. Another matter requiring the employment of this fund he had special occasion to know of, having been consulted in regard to it as a representative from the part of the country concerned. He could not even now speak more fully of it, but it was "much connected with the peace of one part of the United States." Gentlemen had voted for Mr. Ingersoll's resolutions, who, if they had known what he knew, "would sooner have put their heads into the fire than to have joined in any vote derogatory to the honor and character of the able and distinguished Senator who, at that time, was at the head of the State Department."

On the 22d of April, a resolution, which had been introduced before the President's message was received in the

House, was brought up in the Senate, requesting the President to furnish a statement of all payments made since 1825 from the fund for the contingent expenses of foreign intercourse, so far as such information might not involve the citizens or subjects of any *foreign* power. While this resolution was pending, Mr. Webster said:

"I have a few, and but a few, remarks to make on the President's message in answer to the resolution of the House of Representatives, calling for an account of the disbursements during the period in which I had the honor to be Secretary of State, out of the fund for the contingent expenses of foreign intercourse. In the first place, sir, I am happy to say that I entirely approve the course of proceeding which the President has adopted. In my judgment, he could not have acted otherwise than he has done without the violation of law and of his own duty. Sir, as I know that not a dollar was disbursed from that fund without the sanction of the President, and as I am conscious that every disbursement was made for a proper and necessary public purpose, it may be thought that I should desire the publication of the papers, in order that everybody might see what they are, or what they show. But this is a matter of so little concernment to me (and, I presume, it is of as little to the late President) that I certainly could not wish to see an important principle and an important law violated and broken for any personal convenience in that respect. I am not at all apprehensive that the country will suspect either President Tyler or me, acting under his authority, of any thing improper in the disbursement of a few hundred or a few thousand dollars in a case in which the law reposes confidence in the President, and gives him discretion as to making the expenditure public. Sir, a President of the United States, or the head of a department, acting under his authority, must think but poorly of his own reputation and standing with the country if he is afraid of being suspected of having violated his duty and his oath in a matter of so little moment. I will add that, a person who entertains such a suspicion, without reason, of any public man, may himself be well suspected of having held no very complimentary dialogue with himself.

"Sir, we all know that the head of a department cannot touch a dollar of this fund except with the President's sanction. The whole power and the whole responsibility are with the President. The President's message states this so fully and clearly that I need not dwell upon it. I will say, in the first place, that no expenditure, improper in itself, or improper in its amount, was made, to my judgment, knowledge, or belief. And I will say, in the next place, that the late President of the United States, in all things respecting the expenditure of the public moneys, was remarkably cautious, exact, and particular.

"And I here say, sir, that all declarations, averments, statements, or

insinuations, made anywhere or by anybody, which impute perversion, misapplication, or waste of the public funds, committed by me while Secretary of State, are utterly groundless and untrue. And I will conclude with one remark, the bearing of which I shall leave to the Senate and to the country.

"Whoever charges me with having misapplied or wasted the public funds, while in the Department of State, has either seen the papers, or has in some other way obtained knowledge on the subject, or he has not. If he has seen no papers, and has no knowledge, then his imputations are purely wanton and slanderous. If he has seen the papers, or has any knowledge, then he would be sure to state what he knows, if he knows any thing to sustain him in his charge. Silence, under such circumstances, is conclusive that he knows nothing, because he is under no obligation of secrecy, and, in absence of all other proof, he would of course tell all he knew, if he knew any thing which could in the slightest degree bear him out. The charge, therefore, was either made in utter ignorance of any facts to support it, or else with the knowledge that the facts which do exist would, if made known, entirely disprove it."

The mover of the resolution then proposed to withdraw it, but objection was made by Mr. Westcott, of Florida, who, in the course of his remarks, said:

"The Senate, it is proposed, shall ask the President as to how the secret service fund, for a certain period, has been spent. The Senator who offered this resolution, I am satisfied, has no idea that any impropriety has occurred as to its disbursement. I am convinced he believes, as I do not hesitate to declare that I do, nay, as I deem it my duty to say, that the imputations made against the late President and the distinguished Senator from Massachusetts, in reference to the use of this fund improperly, while the latter was Secretary of State, are slanders of the silliest and most pitiful character. Sir, I will not, as a Senator, by any vote of mine, permit any such fugacious scandal against any high executive officer of my country, of any political party, and especially against a citizen who stands as high before the world as does the Senator assailed, and of whose reputation and fame abroad (opposed as I am to him in political opinion on almost every subject of party contest) I, as an American, feel proud; I say I will not consent that such gossip shall be the foundation of a call upon the President, or any action whatever of this Chamber.

"I will not dignify such unworthy accusations by any notice of them whatever. But this is not the chief reason for my desire that this resolution may be voted down by the Senate, *to stand as a precedent*. He said that he especially desired that President Polk, and all future Presidents, may be assured that, as to the disbursement of this fund, the Executive acts upon its own responsibility, and is not to be called to an account; otherwise, the act of Congress would be a dirty trap. Sir, it is a pretty busi-

ness if we cannot repose sufficient confidence in our Chief Magistrate—one who is elevated to the highest station in the gift of the people of these States by their free suffrages—to intrust him with the expenditure of the paltry sum of fifty thousand dollars a year for his country in this mode. I feel humbled that I should be impelled, by what I conceive to be my duty, to make these observations. I regard the fair fame of our distinguished public men as the property of the country; we have received a rich heritage from those who have preceded us, and any man who unjustly and causelessly assails the reputation of such Americans is no true friend of the people or their institutions.

"I hold it to be important that the executive branch of the Government should be satisfied that full confidence is and will be reposed in it, as to the fidelity with which this fund may be disbursed—as to the discretion which will be exercised; and that it will be protected by Congress and by the people from scandalous imputations, so easily made in regard to it; and that it may *not be deterred from its judicious and patriotic use by any apprehensions of popular suspicion improperly excited, or popular clamor gotten up for other than patriotic objects.*

"The distinction which the resolution makes between the disclosure of *foreigners'* names and the names of *citizens* employed as agents, I regard as untenable. All should be protected from exposure, or else we may not procure the information they disclose, or obtain the services they render. But I am opposed to the resolution on the general grounds which I have stated. It is scarcely necessary for me to remark that I can safely vouch that no knowledge was had by the distinguished and worthy functionary now at the head of the State Department, or by the faithful officer next to him, of any disclosure of documents in their care, to justify the call proposed. I feel assured of this from their high character. I hope the resolution will be rejected at once."

The resolution had but one vote in its favor.[1] Forty-four votes were given against it.

On the 27th of April the rules of the House of Representatives were suspended, to enable Mr. Ingersoll to make a personal explanation, when the following proceedings took place. Mr. Ingersoll said:

"When Mr. Webster had 'in virulent terms assailed his truth,' he had sought proofs to vindicate himself, and found those which supported the charges which he afterward made. When the President had declined to submit those proofs to the House, he had done no more than to repeat the charges, in the hope that Mr. Webster would himself call for an investiga-

[1] Mr. Turney. The mover of the resolution, Mr. Jarnagin, voted against it, expressing himself as entirely satisfied with the reasons given by President Polk in his message against making such disclosures.

tion. He not having done this, but having, 'in opprobrious language, charged him (Ingersoll) with slander, and called upon him to substantiate his accusations,' he would proceed to make a statement of his charges in full:

"1. Mr. Webster had made an unlawful use of the secret service fund. This fund was ordinarily placed in the hands of a clerk, as disbursing agent of the Department of State. The President, on requisition from the Secretary, authorizes payments to be made to him, and the disbursing agent gives checks for the required amounts. The first item in Mr. Webster's account with this fund was one thousand dollars for services in the McLeod case. Soon after Mr. Harrison's death, Mr. Webster required the money to be paid directly to him, and, in 1841 and 1842, drew fifteen thousand dollars, while it was not until July of the latter year that he got any President's certificate, and then only to the amount of four thousand four hundred and sixty dollars. In the memoranda of payment there was a note of five thousand dollars returned by Mr. Webster; why was this, if the money was drawn only for public service? In 1843 he took two thousand dollars more. Thus he had in his hands seventeen thousand dollars contrary to usage, and, if he used it, contrary to the provisions of the Sub-Treasury Act.

"2. He had used this money to corrupt party presses. There was a letter from F. O. J. Smith, dated Portland, August 12, 1842, congratulating Mr. Webster on his settlement of the boundary question '*by a new mode of approaching the subject*,' after forty years of diplomacy had failed, and without which *new mode* forty years more would be necessary. Mr. Webster is informed, in this letter, that Mr. Smith had had occasion to resort to services and *influences, in order to adjust the tone and direction of the* PARTY PRESSES, and, through them, of public sentiment; and he submits a claim, in blank, to be filled by Mr. Webster. Mr. Smith also presented a voucher for two thousand dollars, and, two years later, he received five hundred dollars more.

"3. The records show a default of two thousand two hundred and ninety dollars 'beyond all denial or question,' neither paid nor accounted for for two years. There were several letters from Mr. Tyler, urging payment, and several evasive replies of Mr. Webster, offering excuses; and, at length, a peremptory letter from Mr. Tyler, threatening exposure. Under the fear of this exposure, he came to a settlement on the 1st of February, 1845, when he presented two vouchers of five hundred dollars each, but one of the agents declared that he had received only one hundred and fifty dollars, and the voucher was reduced accordingly, leaving the actual default twelve hundred dollars. Mr. Ingersoll professed regret that this exposure was forced from him, but he had no other alternative to justify himself."

The rules were again suspended to allow Mr. Ashmun to reply. His speech was made up chiefly of personal observations on Mr. Ingersoll's character, the only accuser and witness, he

said, in this case. Mr. Ashmun was several times interrupted by protests against his personalities, but, the rules being in suspense, he was allowed to proceed. The only truth in all Mr. Ingersoll's accusations appeared to be that an application had been made for a special mission to England. How did the gentleman happen to know so much about the secret records of the State Department? The President had not felt authorized to break the seal of confidence at the call of the House; but this member seemed to have been prowling clandestinely among the archives. He knew all about this matter; where did he get his information? Mr. Ashmun closed by reiterating that there were no proofs whatever of the charges against Mr. Webster.

Mr. Schenck then offered a resolution providing for the appointment of a committee of five to ascertain how the seal of confidence had been broken with regard to the records and papers of the State Department, and how Mr. Ingersoll had obtained the information which he claimed to have—whether by his own agency or that of others (and whose). Power to send for persons and papers was conferred. An amendment was offered, proposing the appointment of a second committee of five to inquire into the truth of Mr. Ingersoll's charges, with a view to founding an impeachment against Mr. Webster, having power to send for persons, papers, books, and vouchers. The resolution, with the amendment, was adopted, and the two committees appointed.

While this affair was pending before the committees, Mr. Webster left Washington on a visit to Massachusetts and New Hampshire. The following letter, written during his absence, is important, since it contains his view of the only possible circumstances in which an investigation into the expenditures of the "secret service fund" can properly be allowed:

[TO MR. WINTHROP.]

(*Private.*)

"BOSTON, *May* 2, 1846.

"MY DEAR SIR: The accompanying sheet expresses what appears to me the proper course to be pursued. You will use what is there suggested, in your discretion.

"I should prefer remaining away from Washington, if I can, for the present. And if the committee appear to be taking a just and proper course, and need no explanations except such as others can give, I shall stay where I am. But, perhaps, it might be intimated to them that, if any thing appears to require explanation from me, I will present myself immediately.

"You will see Mr. Tyler's letter, which is in Fletcher's hands. I have no doubt he will be quite ready to explain any thing which may appear to require explanation.

"Although I think the committee ought to content itself with a general report, that nothing illegal or reprehensible has been done, yet, if such general report cannot be full, honorable, and above all cavil or question, then I should prefer a publication of all the papers, accounts, letters, etc. Personally, I am quite willing to trust all these things with the public. Perhaps, indeed, that would be rather best for me. But such a publication I cannot but think would be injurious and disreputable to the Government.

"One other observation may be important. As the whole proceeding in such cases is in confidence, and the expenditures are to be covered by the President's certificate, there is naturally not so much care for regular and formal vouchers as if an account was to be settled in the ordinary way at the Treasury.

"I will add only another remark. It appears to me, that, if the papers show the President's sanction for every thing, then very short work may be made of the whole business. This is little more, however, than I have said above.

"You can use any of these suggestions as you think proper.

"I go to New Hampshire this morning, expecting to be here again on Wednesday morning, and then to hear from you.

"Yours truly,

"Dan'l Webster.

The following paper was enclosed in this letter, and I believe nothing more was submitted to the committee by Mr. Webster:

"1. The only inquiry is, whether any use was made of what is called 'secret service money' without the sanction of the President.

"This, in itself, is nearly an impossibility, but still it is the only question. The whole power, discretion, and responsibility are vested by statute law in the President. What he sees fit to sanction, protects all acting under him. If this were not so, then heads of departments would be responsible not for their own acts, but for the acts of the President.

"If, therefore, the committee find, as it seems admitted on all hands

they will find, and as they surely must find, that every expenditure was sanctioned by the President, then that fact should be reported, and the inquiry should stop there. The manner of the expenditure cannot be material; nor can its objects be inquired into, because, to the extent of that fund, the discretion of the President is absolute. Beyond this inquiry the committee cannot go; nor, beyond this, could any inquiry be made, unless the object were to prove corruption in the President.

"2. If the committee find that the disbursements were authorized by the President, they ought not to report facts or particulars. This whole disclosure must be admitted to be discreditable to the Government, because it is a violation of the public faith plighted by law.

"It may be true, as Mr. Polk suggested, that, in a highly important case, or a charge of great and dangerous delinquency, this faith may be disregarded, in order to bring high-handed offenders to justice. I do not say this is my opinion. Indeed, I cannot see the probability of any such case. But, if this be admitted to any extent, still, it is clear that, when it is ascertained that no law has been broken, nor the authority of the President transcended, it becomes quite improper to make an official disclosure, in such case quite unnecessary, of the names of individuals connected with secret transactions.

"To me such a disclosure would be and could be of no personal detriment. Indeed, in point of fact, names are already published, having been surreptitiously obtained. But I consider the honor of the Government concerned in the matter, and have a proper respect, too, for the rights of individuals."

The committees appointed to make these investigations did not report until the month of June.[1] The substance of their reports will appear from the following summary:

The last committee reported first, on the 9th of June, after a "patient and laborious investigation," in which they had collected a "large mass of testimony." With reference to the first charge, they said that they found the President had the exclusive control of the fund in question, and might keep it in his own hands, or intrust it to agents. The Secretary of State was the natural and appropriate agent for this purpose, and the fund had always been received, kept, and disbursed by him, under the first Presidents. Under Mr. Jefferson it had been intrusted to a different agent, apparently for the convenience of the Secretary of State. Mr. Tyler had testified that he had

[1] President Tyler came voluntarily from Virginia to vindicate Mr. Webster before the committees.

found the foreign relations of the country in a very delicate condition, requiring the employment of confidential agents. He considered the Secretary of State the fittest person to employ these, and he had himself suggested that the fund to be used for that purpose be disbursed by Mr. Webster, and had caused a portion of it to be placed in his hands. All the money put in his hands was placed there with the knowledge and sanction of the President, and so much as was necessary had been disbursed in accordance with his views. What was not needed was returned to Mr. Stubbs, the ordinary disbursing agent. With regard to the second charge, the testimony taken, said the committee, "fully explains whatever of obscure or doubtful meaning in this letter" (that of F. O. J. Smith, alluded to by Mr. Ingersoll), "and removes every foundation for a belief, or even a suspicion, that the public money was used, or attempted to be used, to corrupt the party presses." As respects the last charge, they said, when Mr. Webster left the State Department there was an apparent balance against him of two thousand two hundred and ninety dollars to be accounted for. There was delay in obtaining the necessary vouchers, and vouchers for one thousand dollars Mr. Webster had asserted were lost, or mislaid, or never obtained. In 1844, when it became necessary for Mr. Stubbs to close his account with the Treasury, Mr. Webster had not yet obtained the vouchers, and he proposed to pay the balance, to be refunded to him by the Government whenever he could present the proper vouchers of payment. This proposition was acceded to by the President. Mr. Webster afterward obtained vouchers for two hundred dollars, and paid the remainder in cash, remitted in part from Philadelphia and part from Boston. On the 1st of February, 1845, he had presented a voucher for one thousand and fifty dollars, and that sum was refunded to him. Mr. Webster had been urged by Mr. Stubbs to collect and transmit his accounts and vouchers, but there was no evidence of any threat of exposure. Assuming that Mr. Webster was correct as to the lost vouchers, there was only forty dollars left unaccounted for. The committee deemed "comment unnecessary." "In their opinion there is no proof in relation to any of the charges, to impeach Mr. Webster's integrity, or the purity of his motives

in the discharge of the duties of his office." This report was signed by Samuel F. Vinton, Jefferson Davis, Daniel P. King, and Seaborn Jones.

Mr. Brinckerhoff presented a minority report. The money had been placed in Mr. Webster's hands, he said, at Mr. Tyler's suggestion, but that suggestion was given on the recommendation of Mr. Stubbs, which recommendation was made at the instance of Mr. Webster himself. The whole amount of money in his hands, altogether, was seventeen thousand dollars, of which five thousand dollars had been returned. How this five thousand dollars had been employed, during the six months that it was at his disposal, did not appear. Mr. Brinckerhoff gives Mr. F. O. J. Smith's letter in full, and thinks Mr. Ingersoll's conclusion from it inevitable, but admits that Mr. Smith testified that no part of this money had been paid to any person connected in any way with the party press. As to the default, there was no evidence, but Mr. Webster's word, that a portion of the vouchers was lost, or that there was difficulty in obtaining others. The settlement had been delayed until Mr. Webster had been reminded of the necessity of publishing the accounts, and, under the apprehension of the exposure which would follow, he had proposed that he be credited for the one thousand dollars represented by the lost vouchers, and pay the rest; but, this not being acceded to, he had paid the whole balance. What was accounted for by subsequent vouchers left the whole default at one thousand and forty dollars.

Both reports were laid on the table, and ordered to be printed. Afterward, a resolution originating with the majority of the committee was adopted, ordering that the whole testimony taken be printed as a part of the majority report.

Mr. Schenck's committee reported on the 12th of June. They expressed no opinion at all as to Mr. Ingersoll's method of obtaining his information, but spoke of the implication of one or more of the subordinate officers of the State Department with Mr. Ingersoll, and recommended the publication of the evidence which they had taken. This report was also voted to the table, and there the whole matter rested.

Nothing further needs to be said here concerning what was

done in the case of McLeod, or concerning Mr. Webster's application of any portion of the "secret service fund," excepting to explain the simple facts concerning the use of money in Maine, which was magnified into a "corruption of the party press." At the time when Mr. Webster undertook to procure the consent of that State to the appointment of commissioners to meet Lord Ashburton for a settlement of the boundary difficulty, it was necessary that the subject should be presented to the people of Maine in a light in which they had not been accustomed to view it. The leaders of the two political parties in the State, jealous and afraid of each other, had become almost powerless in regard to this subject, which scarcely any one could touch without being charged with a willingness to abandon the just rights of the State. It was important, therefore, to reach the intelligence of the people with new arguments and views. For this purpose a citizen of Maine, whose name was disclosed in the proceedings before the committee of the House, acting under Mr. Webster's direction, caused the necessary articles to be written and published, not in the party newspapers, but in an independent religious journal, of wide circulation among all parties. With this object, a very moderate sum of money was placed in his hands by Mr. Webster, which was duly expended and accounted for, with the sanction of the President. It is true that this gentleman claimed some compensation for his own services, which he desired should be fixed by Mr. Webster, and it is equally true that his claim was a just one. I believe that it was allowed.

But it is due to Mr. Webster's memory that some notice should now be taken of the charge that, as a Senator, he was "the pensioned agent of the manufacturers" among his constituents. This charge, originating in this debate of 1846, and then for the first time made public, rested wholly upon a transaction which will now be laid fully before the reader, with all its attendant circumstances. It will be seen that it was a transaction which raises a moral question that is not of very easy solution. That question relates to pecuniary gifts to eminent public men, whose services to a country necessarily debar them from that care and attention, in regard to their private affairs, which men who are not so occupied can freely

devote to their personal interests. The habits of expense of the individual statesman—whether he lives freely or carefully —have really very little to do with the principle that is involved in such gifts. When once it is conceded that the public emoluments of office, applied to any reasonable scale of living, are grossly inadequate, if compared with the dignity of the position, the merits of the man, or the demands which the usages of society make upon his purse, the sentiments of gratitude and justice will lead individuals to consider whether those who can do so are not bound to protect a great public servant who cannot, for any reason, suitably protect himself. In such cases, there is a question to be decided. It is, Whether such a gift, presuming it to be made with proper motives and with honorable purposes, will, from the nature of the case, create any bias in the statesman who is to receive it, which will cause him, in his capacity as a legislator, to separate the interests of the individual donors from the general interests of their country. If it is morally certain that no such effect is involved, and that no such influence was intended, it is not easy to assign the ground on which an objection can be made to the transaction which I am now to describe.

The gentlemen who, in 1846, as will presently be seen, presented to Mr. Webster a small annuity, were some of the purest and best men in the community which had long insisted upon keeping him in public life. If they erred in taking this step, they, at least, decided the question involved upon full intelligence, and with just consideration. Nor do I think that they did err. They certainly had no other selfish purpose in view than one that was common to all men of all pursuits and interests—the purpose of sustaining in the public service a statesman who was preëminently fitted to render most important services to the whole country and to mankind. They knew Mr. Webster well. They knew that no public act of his ever had been or would be influenced by any narrow and merely local considerations, and that no private gratitude could bind him to the selfish interests of a class, whose interests might be in conflict with the welfare of the nation. On the subject of domestic manufactures, his opinions and his position before the country had long been fixed; and his constituents were much more accus-

tomed to seek his views, formed upon a comprehensive survey of the situation of the whole country, than they were to attempt to force upon him their own. Moreover, these gentlemen well knew that no vote of Mr. Webster's, in his place in Congress, on a public or a private matter, ever had been or could be given for a fee, a consideration, or a bribe. Whether such practices existed in his day or not, no man could justly impute such a thing to him. He stood therefore, if any statesman ever stood in such a position, in no danger of being improperly influenced by a gift which looked to the comfort of his declining years, which proceeded from the generosity of private friends, and in which were represented as many persons who were not as of those who were concerned in the manufacturing interests of Massachusetts, that could be in any way affected by the tariff legislation of Congress. The following is the correspondence relating to Mr. Webster's annuity:

[Mr. David Sears to Mr. Webster.]

"Boston, 21*st March*, 1846.

"Dear Sir: I have the honor to inform you that there is now deposited in the Massachusetts Hospital Life Insurance Company, on special contract, the sum of thirty-seven thousand dollars.

"Your friends, whose names are enclosed, have placed this sum there for your benefit, to constitute a fund under the supervision of Messrs. William Amory, Ignatius Sargent, and David Sears, Jr. The income will be subject to your order, semi-annually, and, when not called for, will be added to the principal to increase the income appropriated to your use.[1] This fund has been created freely and cheerfully by your friends, in evidence of their grateful sense of the valuable services you have rendered to your whole country. They have done it without your sanction or knowledge, and with some reason to imagine that their purpose might not be entirely acceptable to you. But they have been moved in this matter by no common feelings.

"Government grants nothing beyond the salary of office for services rendered, and a consequence is, that our ablest statesmen, on their retirement from the highest positions, are frequently obliged to return to the labors of their early life; and our venerable judges, even of the Supreme Court of the nation, after years of toil, are left in their old age poor and unprovided for. Your friends in Boston, desirous, in your particular case, to ward off these evils, and furnish you with a supply for your future wants, have determined to show, on their part at least, a decided prefer-

[1] The income never exceeded the sum of eleven hundred and thirty-five dollars in any one year. It was ordinarily nine hundred or nine hundred and fifty dollars *per annum*. The capital was never increased.

ence for a permanent provision, and to offer you, in this way, a prop to sustain you hereafter.

"They are now numerous and strong, and, with a few exceptions, the same who, for five-and-twenty years, have rallied round you, with minds firm and active, and with hearts warm and grateful. But time will do its work on all of us, and when increasing age shall have rendered labor irksome to you, and growing infirmities call for repose, where may then be your friends? Most of them probably in their graves, and the few that remain without the influence, and perhaps without the ability, to serve you.

"These considerations have been conclusive with the gentlemen who act with us. All have agreed that it was best to do now what they might not be able to do hereafter.

"In their behalf, therefore, I have the honor respectfully to offer to you the above annuity of thirty-seven thousand dollars, hoping that, if it be not desirable at present, it may hereafter tend to the comfort of your advancing years, and serve to recall to your mind this last united effort of your friends whose hearts were with you, and who were anxious, while they had the power, honorably and truly to assist and serve you.

"With great respect and consideration,

"Your obedient servant and friend,

"DAVID SEARS.[1]

"Hon. Daniel Webster, Marshfield, Massachusetts."

[MR. WEBSTER TO MR. SEARS.]

"WASHINGTON, *March* 25, 1846.

"HON. DAVID SEARS,

"SIR: I had the honor to receive yesterday your letter of the 21st instant.

"The kindness manifested by the transaction, information of which you communicate, is of too important and grave a character to be acknowledged in the forms in which a sense of ordinary obligations is usually expressed.

"I cannot but feel how entirely unworthy my public services have been of so unusual and munificent a memorial.

"It is true I have been in public life many years, to the no small neglect of my profession and prejudice of my private affairs. I hope that,

[1] List of names referred to in the above letter:

David Sears, William Appleton, Nathan Appleton, John Wells, David S. Brown, Samuel Appleton, Robert G. Shaw, J. Chickering, W. P. Winchester, Horace Gray, Francis C. Lowell, William Amory, Franklin Dexter, John E. Thayer, John A. Lowell, Josiah Quincy, Jr., Thomas B. Wales, Thomas H. Perkins, Jr., Dudley L. Pickman, George W. Lyman, G. C. Shattuck, John D. Williams, Thomas Lamb, Samuel Lawrence, Edward H. Robbins, W. W. Stone, Thomas B. Curtis, John C. Gray, Ozias Goodwin, Benjamin T. Reed, Ebenezer Smith, A. Binney, C. W. Cartwright, Benjamin Loring, Eben Chadwick, J. W. Edmands, Henry Cabot, John L. Gardner, Ignatius Sargent, William H. Prescott.

on some occasions, I have done good, and that, on others, I may have averted evil. But, for all I have done, and for much more, if I could have accomplished more, I have found, and should have found, abundant reward in the evidences of respect, confidence, and kindness already received from political and private friends.

"When I have returned home, after long-continued and exhausting labors, I have forgotten, amidst the cordial greetings of those whom I most respect and honor, all the inconveniences, toils, and losses, connected with public life.

"The contribution which you now make known to me must be placed entirely to the account of the friendship and generosity of yourself and the other gentlemen.

"Expressions of thanks, however warm and earnest, would, in a case like this, be feeble. I must rest, therefore, in the persuasion that all who have borne a part in this transaction will believe that it has deeply and profoundly impressed me with the sentiments and emotions justly belonging to the occasion.

"I am, dear sir, with the greatest personal regard,

"Your obedient servant, etc.,

"Daniel Webster."

The speeches made by Mr. Webster, at this session of Congress, on the tariff, will always stand as the best refutation that could be given to the charge that he was an agent in the Senate of certain New-England interests. The Administration of President Polk had conceived and prepared a measure that was to work an entire change in the mode of levying the duties on imported merchandise. Discarding the principle of *specific* duties, it proposed that all duties should be *ad valorem*, and that duties be levied on the value of the goods at the place of exportation. Next, it so changed the adjustment of existing rates of duties as to operate unfavorably upon the interests of our own labor. Finally, by enhancing the duties on raw materials, it tended to depress the shipping interests. As a mere representative of a certain class of manufacturers in Massachusetts, Mr. Webster might have been expected to attend to those features of the bill which especially concerned them, and to have left the internal industry and the external commerce of the country at large to take care of themselves. But whoever will examine the tariff speeches which he made at this session of Congress, whatever may be his own opinions on the abstract questions of protection

and free trade, will be impressed by the magnitude of the subjects which were dealt with, in which Mr. Webster's constituents had very little concern. He will see the whole industrial and commercial pursuits of a great country, with all their interdependent relations, as then existing, grasped, dissected, and analyzed in the spirit and with the power of a statesman; and it will be difficult for him to rise from the perusal of these speeches with the conviction that he has been reading an argument made for the benefit of a few capitalists in a single State, whose investments in some special pursuit were but a fraction in the great aggregate of national wealth and labor. It was indeed impossible for Mr. Webster to make himself the mere representative of a locality or a class. So universal was the feeling that he belonged to all localities and to all classes, that, whenever these subjects were under discussion, men, who had no personal or any other claims upon him—men of every region, engaged in every kind of pursuit, and entertaining every variety of opinion—poured in upon him the information which they supposed important, and which they knew would find its legitimate influence when digested by his intellect.[1]

The special influence exercised by him, in the settlement of the tariff of 1846, consisted in saving the Government from the perpetration of a great blunder. As it came from the House of Representatives, the bill contained a provision by which the importer or consignee of goods, who had entered them with a fraudulent under-valuation, could compel the Government to take and pay for them at his own valuations, with five *per centum* in addition! After a scorching exposition of this extraordinary scheme, Mr. Webster caused it to be stricken out.[2]

The reënactment of the "Sub-Treasury" was another of the measures of this session which Mr. Webster felt it to be his duty to oppose. Originally proposed by Mr. Van Buren in 1837, but failing then and at a subsequent session to be adopted, this plan for the keeping of the public funds became a law in 1840,

[1] See the speeches on the tariff of 1846, Works, v., 161–243.

[2] I refer to the ninth section of the pending Tariff Bill, which, on Mr. Webster's motion, was stricken out on the 28th of July.

and was repealed in 1841. Being a favorite measure of the Democratic party, it was now brought forward again. Its characteristic principle was, that the Government should keep its own funds in its own custody instead of depositing them in banks. Without repeating his objections to this measure on account of its effects on the business of individuals, Mr. Webster, on this occasion, confined himself to a statement of the embarrassments it would produce in the financial operations of the Government itself.[1]

The annexation of Texas was not regarded by Mr. Webster as affording to Mexico a just cause of war against the United States, although he, like many other public men in this country, considered it a measure tending to produce war. The letter, written to his son, in March, 1845, immediately after the passage of the resolutions admitting Texas into the Union, already quoted, shows, with precision, how he regarded this matter.

It is to be remembered that the war with Mexico was not the result of a declaration of war by Mexico on account of our having acquired Texas, but that it was brought on by a state of hostilities produced by the course of our Executive in taking armed occupation of that country before we had an ascertained title to any of it, and by subsequently advancing our forces into a region where the boundary between Texas and Mexico proper was not settled; so that when the President, by his message of May 11, 1846, applied to Congress for authority to raise troops for the prosecution of a war, it was deemed necessary to recite, in the preamble of the act, that "a state of war exists" between Mexico and the United States. When this extraordinary act, growing out of these extraordinary circumstances, passed the Senate of the United States on the 12th of May, Mr. Webster was absent, and consequently his vote was not given for or against the Mexican War. When he left Washington, on one of the last days of April, he could not have anticipated the introduction of such a measure. The President's message, recommending to Congress to recognize the existence of a war, was read in the two Houses on the 11th

[1] See his remarks, Works, v., 244, *et seq.*

of May, and the act was passed on the following day. Mr. Webster, on receipt of this intelligence, returned immediately to Washington, and was again in the Senate on the 14th.

Wholly irresponsible therefore for the war itself, his course in regard to it was limited to the expression of his opinion respecting the measures brought forward by the Administration for conducting it, and many of these opinions have a permanent importance. For example, it is well known that, instead of pursuing the line of action prescribed in the Constitution, by raising a provisional army to be officered by the United States, or by calling into the field the militia of the States, Congress authorized the creation of a mongrel force, consisting of "volunteers" organized into regiments by the States, with officers appointed and commissioned by the States. The service of these regiments was accepted by the United States when tendered, and they were mustered into the service of the United States, with officers whose commissions were derived from the separate States. Properly speaking, therefore, they were not part of an "army" "raised" by Congress, in the sense of its constitutional power to raise armies, nor were they militia called into the service of the United States under another of the military powers of the Constitution. Mr. Webster regarded this system as mixed, irregular, and incongruous, and said that it would be abundantly proved to be inconvenient before the war with Mexico should be ended. But, among the opinions which he expressed in regard to this system, one of especial consequence relates to the constitutional powers of Congress in the employment of troops. We have already seen that, in the War of 1812, he opposed and assisted in defeating a conscription bill.[1] He now repeated, with great emphasis, the opinion that the only compulsory military service known under the Government of the United States is that which arises when the militia of the States, in its organized forms, is called into the service of the United States under the constitutional provision which authorizes its employment for certain purposes. In some remarks which he now made upon this system of "volunteer regiments" (on the 26th of May, 1846), he said:

[1] *Ante*, i., 138, 139.

"Now, it appeared to him that they would have acted somewhat more wisely if they had proceeded upon the true line of their policy, as prescribed by the Constitution. They were authorized to raise and support armies, bound by no rule but the discretion of Congress. That was a large, and broad, and unqualified power. Congress was also authorized by the Constitution to call forth the militia of the States—for the militia was the militia of the States—to repel invasion, suppress insurrection, and execute the laws. In the present bill, and that passed the other day, these persons were spoken of as volunteers. All were volunteers in the militia proper—all were volunteers in the service of the United States—unless it were the militia of the States, called into the service of the United States for the exigency provided for in the Constitution, and that service was compulsory—THE ONLY COMPULSORY SERVICE UNDER THIS GOVERNMENT. In his opinion, then, it would have been better to have had all the military forces, regular or provisional, employed and paid by the Government of the United States, officered by the United States Government. In other words, it appeared to him that it would have been more consistent with the acknowledged power of Congress, if these troops had been called into the service, and the officers commissioned by Congress itself, leaving them just as much volunteers as they now were. He had heard no objection to that, except that the practice in the States had been, that the volunteers selected their company officers, and that by the latter the field-officers were selected. That could be done just as well in a provisional army, under the sanction of a law of Congress, as not. But there would always be considerable inconvenience in having forces paid by the United States and commissioned by State authority. He did not know how far they might be able to go on with that system, and avoid some great inconveniences. The bill authorized the President to accept the service of citizens by regiments, battalions, squadrons, and companies. A brigade was to consist of two regiments—one might be raised in Ohio and the other in Indiana. The service of these regiments is accepted—who is to command them? According to the proposed law, the President was to designate the general officer out of the militia of the States. What did that come to? Why, to this: that a brigadier-general of Indiana—a brigadier only by State authority—commands the Ohio troops in the service of the United States! It struck him that a serious difficulty thus lay in their way. The brigadier commanding these regiments, thus designated by the President, was not to come before the Senate. He was not to derive his authority from the Government of the United States. He could easily foresee that they could not go on long with such a system without great hinderance and obstruction. Nevertheless, it was not, as he had said, his purpose to offer any formal opposition to the bill. They would grow wiser by experience; and if the war should last—which God forbid!—they would see the propriety of having a provisional army for short enlistment, kept a distinct corps for all purposes of promotion and organization, destined or expected to be temporary and occasional in its use and character, but,

nevertheless, officered by the Government of the United States, or [if] the election of [by] the soldiers and subordinate officers is considered advisable [it can be done], just as well by authority of this Government as of the States."

With respect to the prosecution of the war, Mr. Webster, in some remarks which he made on the 24th of June, declared his readiness to vote for all needful supplies that might be demanded by those who were responsible for the war, and gave some important advice in regard to what he deemed the best mode of providing for the extraordinary expenses attending it. But, inasmuch as our armies were now invading Mexico, and it was rumored that they were to march immediately and directly to the city of Mexico, he demanded for what objects the war was to be prosecuted. It was quite apparent to him that the weaker nation would be subjected to a conquest by the stronger one, if the war was to go on; that her dismemberment would follow, and that in that case we should have more territory to be annexed to the Union and to embarrass us with new questions concerning it. Foreseeing these results, and greatly fearing them, he took this early occasion to say that a formal, solemn embassy ought to be sent to Mexico, to invite her to treat for peace, and in the mean time that hostilities should be suspended. If it should turn out that she was not willing to treat, he should then be in favor of a vigorous prosecution of the war. He expressed it as his own opinion that neither England nor any other European power would interfere to aid Mexico, and said that it was undoubtedly the true policy of all governments to have Mexico at peace, in a state of active industry, and increasing her resources and multiplying her products. He felt sorry to say it of a republic, but Mexico had produced few or no enlightened public men to guide her counsels, and her people had been a great deal worse governed than they were under the viceroyalty.

During this winter he finally felt it to be necessary to make an explicit answer to one of the many inquiries which he had received from time to time for many years, respecting the speech attributed to John Adams in the eulogy of August, 1826. A generation of men had grown to manhood, with this remarkable piece of eloquence impressed upon their memories

as if it had been a genuine speech recited by Mr. Webster from the records of the Revolutionary epoch. Certainly he had no design or expectation of producing such an impression. We have seen the circumstances under which the supposed speech was composed. It was like the production of an historian who imagines what some great personage of a former era might have said on a critical occasion, and who expresses what he imagines in the form and with the surroundings of an actual harangue. The dramatic effect thus given to his conception, by Mr. Webster, was one of the most simple and natural, and one of the most legitimate of the arts of oratory. No one who heard the eulogy on Adams and Jefferson ever supposed the speech attributed to Mr. Adams to be a real one. But it passed into the school-books as a specimen of eloquence and of English; and, although it was generally in some way credited to Mr. Webster, it became fixed in the popular imagination as a real utterance of the great patriot whose sentiments and action it was designed to embody. Hence the inquiries addressed to Mr. Webster, to solve a doubt which was thus expressed with great *naïveté* in one of the numerous letters that came to him, and which happens to have been addressed to him from Auburn in the State of New York, in January, 1846:

[FROM MR. BECKER.]

"AUBURN, CAYUGA COUNTY, N. Y., *January* 16, 1846.

"HONORED AND DEAR SIR: You will, I trust, pardon the liberty I take (being personally a stranger to you) in asking a question which to yourself may seem one of little importance.

"The object of my inquiry is to ascertain whether that part of your speech in commemoration of the lives and services of John Adams and Thomas Jefferson, beginning 'Sink or swim, live or die, survive or perish, I give my hand and my heart to this vote,' etc., and closing with 'Independence *now* and INDEPENDENCE FOREVER,' is your own composition, or whether it is the *very* speech which John Adams gave when deliberating upon the expediency of adopting the Declaration.

"I trust you will not deem this unworthy of notice, when I inform you that, even among our '*liberally*' educated men, there is nearly an equal division of opinion, many of the 'great' lawyers contending most strenuously that the said speech is the veritable address, word for word, delivered by Mr. Adams when deliberating upon the Declaration. Not only our lawyers, but merchants of the first standing, as well as intelligent

mechanics, entertain these views, while others contend as strongly that it is all your composition.

"Although it will, undoubtedly, appear strange to yourself how language can be thus differently understood by different persons, yet I trust, for the gratification of a large circle of your warm friends and admirers, whose highest regard and esteem I am requested to present to you, that you will condescend to answer the inquiry I make in their behalf.

"With the highest regard and esteem,

"I subscribe myself your most obedient servant,

"PETER J. BECKER."

[TO MR. BECKER.]

"WASHINGTON, *January* 22, 1846.

"PETER J. BECKER, Esq.,

"DEAR SIR: I have the honor of acknowledging the receipt of your letter of the 18th instant. Its contents hardly surprise me, as I have received very many similar communications.

"Your inquiry is easily answered. The Congress of the Revolution sat with closed doors. Its proceedings were made known to the public, from time to time, by printing its journal, but the debates were not published. So far as I know, there is not existing in print or manuscript the speech, or any part or fragment of the speech, delivered by Mr. Adams on the question of the Declaration of Independence. We only know from the testimony of his auditors that he spoke with remarkable ability and characteristic earnestness.

"The day after the Declaration was made, Mr. Adams, in writing to a friend, declared the event one fit to be celebrated by bonfires, illuminations, etc., etc. And, on the day of his death, hearing the noise of bells and cannon, he asked the occasion. On being reminded that it was 'Independence day,' he replied: 'Independence forever!' These expressions were introduced into the speech *supposed* to have been made by him. For the rest I must be answerable. The speech was written by me, in my house, in Boston, the day before the delivery of the discourse in Faneuil Hall; a poor substitute, I am sure, it would appear to be, if we could now see the speech actually made by Mr. Adams on that transcendantly important occasion.

"I am, respectfully, your obedient servant,

"DAN'L WEBSTER."

This correspondence was sent to Mr. Ticknor, with the following note:

"WASHINGTON, *January* 24, 1846.

"MY DEAR SIR: The accompanying letter and copy of answer respect a question which has been a great many times asked me. I place them

in your hands, to serve if similar inquiries should happen to be made of you.

"You see all that is publicly done here. As to personal and domestic matters, we get along pretty well. We have taken a house, *called* ready furnished, about as big as two pigeon-boxes, but pleasantly situated, and some little space and shrubbery about it.[1] Our nearest neighbor is very quiet. It is the Unitarian Church. The ringing of the bell on Sunday is all that we hear from it.

"My health is excellent. I must say I am surprised to think how well I am, and how little abatement I feel of the disposition for occupation. My affairs in court are as numerous and as important as at any time of my life. But, I would be glad to be relieved from the necessity of attending to these, for two reasons. First, if I remain in the Senate, I wish to be able to fulfil the duties of the place, so far as attention to the business before it is regarded; second, if I should have leisure, there are some things which I would gladly bestow thought and time upon, of more permanent interest than the temporary politics of the day.[2]

"I pray you make Mrs. Webster's and my own kindest remembrances to Mrs. Ticknor and your daughter.

"Yours always cordially,

"Dan'l Webster.

"Mr. Ticknor."

[To Mr. Ticknor.]

"*March* 22, 1846.

"My dear Sir: Here comes another.[3] I cannot possibly answer all these, one after another. How would it do to publish the correspondence with the Auburn man which I sent to you; and, if that would be well, how and where?

"My wife has written to friends in New York to look out a little for you, but she is now so little of a New-York woman, she can give no advice herself.

"I am just opening the British newspapers. It would seem that Old England *will not get in a passion*, do all we can. Some people here think her conduct very provoking. They are offended that she does not show a *proper resentment;* and that such glorious flights of indignant eloquence are all lost upon her. Yours,

"D. W."

[From Mr. Samuel B. Ruggles.]

"New York, *October* 12, 1846.

"My dear Sir: On leaving Vienna last winter, I had the gratification of receiving from Prince Metternich a fine proof impression of a

[1] This was the house in which he resided through Mr. Fillmore's presidency.

[2] This alludes to a purpose, which he had long entertained, of writing a History of the Constitution and of the Administration of Washington.

[3] From Bangor, Maine.

recent engraving of himself, giving his features and expression with singular fidelity. With his own autograph and signature he addressed it to yourself, and requested me to present it, in his behalf, on my return to America.

"I feel under deep obligation to his Highness, not only for much personal kindness received at his hands, but particularly for the opportunity he has thus afforded me of showing how highly your flattering letters of introduction are appreciated in Europe. May I, then, hope that this engraving may be allowed a place at *Marshfield*, and that, as a token of regard from the eminent and venerable man occupying a position so important in one hemisphere, it may not be wholly unacceptable to him who fills so wide a space in the other?

"With kind regards to Mrs. Webster, in which Mrs. Ruggles and my daughter beg to unite,

"I remain, dear sir,

"Very truly and faithfully your obliged friend,

"Samuel B. Ruggles.

"Hon. Daniel Webster, etc., etc., etc."

# CHAPTER XXXIII.

## 1846–1847.

PUBLIC BANQUET IN PHILADELPHIA—SPEECH ON THE OREGON CONTROVERSY AND THE MEXICAN WAR—INTRODUCTION OF THE "WILMOT PROVISO"—HOW TREATED BY MR. WEBSTER—OPPOSES ALL ACQUISITIONS OF NEW TERRITORY—COURSE OF THE "NORTHERN DEMOCRACY"—VISIT TO THE SOUTH—MEDICAL OPINION ON HIS CATARRH.

IN December, 1846, there occurred another of those popular demonstrations of respect and gratitude which were more frequently tendered to Mr. Webster than to any other public man of his time. The merchants of Philadelphia, in the spring of this year, invited him to a public dinner, as a mark of their friendly regard and their admiration of his services to the country. In their invitation, they said:

"Nearly all who offer this mark of esteem are men of business, removed from the party strifes of the country, though deeply interested and affected in all their relations by the action and agitation of party. With these your name has long been associated as one of those whose advice, whether heeded or not, whose abilities, whether successfully exerted or not, were always directed toward the advancement of their interests and the promotion of their prosperity. They offer to you this token of respect, not only as an evidence of personal esteem, but as a mark of sincere and grateful feeling.

"But, in this expression of regard, they will not limit themselves to what may be considered as more peculiarly their own interests. As members of this great Republic, they desire in this way to express their approbation and pride in those efforts that have multiplied and strengthened our ties with the family of nations; that have increased and made more

stable, as well as intimate, our own national sympathies, and which, by extending your reputation, have given credit and fame to your country.

"None cherish with more interest these, the lasting memorials that you have given of your patriotism and devotion to the welfare of your fellow-citizens, than those who now tender this token of their esteem."

It was not convenient, however, for Mr. Webster to accept this invitation until the 2d of December. On that day the festival took place, the Hon. Samuel Breck being in the chair. If these compliments had in their day any alloy of a political purpose less pure than the language and sentiments in which they were expressed, it is certain that they will now have, when reproduced, a voice as of history speaking the words of truth and soberness. Of what other contemporary statesman could any citizen of another State have spoken as the chairman on this occasion spoke of Mr. Webster? And of whom could this have been said, in words that so truly anticipate the judgments of another age? Among all the complimentary addresses of which Mr. Webster was the object, I know of none more graceful, simple, and national than this of Mr. Breck:

"Gentlemen: I rise to propose a toast, expressive of the great esteem and honor in which we hold the illustrious guest whom we are assembled to welcome. It is cause for felicitation to have this opportunity to receive him, and to meet him at our festive board.

"In Philadelphia, we have long been accustomed to follow him, with earnest attention, in his high vocations in the legislative hall and in the Cabinet; and have always seen him there exercising his great talents for the true interests of our wide-spread Republic. And we, in common with the American people, have felt the influence of his wisdom and patriotism. In seasons of danger, he has been to us a living comforter; and more than once has restored this nation to serenity, security, and prosperity.

"In a career of more than thirty years of political agitation, he, with courageous constancy, unwavering integrity, and eminent ability, has carried out, as far as his agency could prevail, the true principles of the American system of government.

"For his numerous public services we owe him much, and we open our grateful hearts to him in thanks; we say to him, with feelings of profound respect and warm affection, that we are rejoiced at his presence here, amid his Philadelphia friends—his faithful Philadelphia friends and admirers."

The speech which followed from Mr. Webster was, like all

his efforts in public, a speech full of instruction; for, at all times, whenever he said any thing in public, it was with "the same high power of reason, instant in every one to explore and display some truth."[1] He spoke on this occasion, as was his custom, of the public affairs of the time: the late controversy on the subject of Oregon and the existing Mexican War being two of the chief topics. In reference to the refusal of our Government to arbitrate the Oregon dispute, because the President "did not believe the territorial rights of this nation to be a proper subject of arbitration," he said that every question of boundary is a question of territory, and that a refusal to arbitrate leads directly to an assertion of the right of the strongest, and to a resort to the sword:

"Do not all perceive that sentiments like these lead only to establish the right of the strongest? that they withdraw public questions between nations from all the jurisdiction of justice, and all the authority of right, from the control of enlightened opinion, and the general judgment of mankind, and leave them entirely to the decision of the longest sword? I do not think this correspondence has raised the character of the United States in the estimation of the civilized world. Its spirit does not partake of the general spirit of the age. It is at war with that spirit, as much as it is at war with all our own history from 1789 to the present day. The sense of modern times, the law of humanity, the honor of civilized states, and the authority of religion, all require that controversies of this sort, which cannot be adjusted by the parties themselves, should be referred to the decision of some intelligent and impartial tribunal.

"And, now that none can doubt our ability and power to defend and maintain our own rights, I wish that there should be as little doubt of our justice and moderation."

On the subject of the Mexican War, which was then so far developed that conquests and new acquisitions of territory might be anticipated, he thought proper to give a detailed history of the mode in which the war had been brought about. Intent always upon the preservation of the Constitution, watching with ceaseless vigilance every thing that tended to its infraction, he now stated, with his usual precision, in what respect the Executive had encroached upon the prerogative of Congress. Having shown that the Executive order, advancing the army to the Rio Grande, was a step naturally, if not neces-

[1] Rufus Choate. Eulogy on Mr. Webster at Dartmouth College, July 27, 1853

sarily, tending to provoke hostilities, and to produce a war, he pronounced it to be against the spirit of the Constitution, against the just limitations of the different departments of the Government, and a dangerous precedent. What was the value, he asked, of the constitutional provision that no power but Congress can declare war, if the President of his own authority may make such military movements as must bring on war?

He held that any thing tending directly or naturally to produce war should be referred to the discretion of Congress. With respect to the preamble of the Act of May 11th, which asserted that "war exists between the United States and Mexico," he said that this was an assertion of a fact. No war having been declared by Congress, this act undertook to create a fact; a thing beyond the power of any legislative body. He presumed that it was the intent of Congress to do nothing more than to enable the President to defend the country to the extent of what he claimed to be its limits. A war of invasion, of conquests, the establishment of provinces, and the annexation of new worlds to the United States, which now seemed to be the purpose of the Executive, he did not believe had been intentionally sanctioned by Congress.

The speech at the Philadelphia dinner also contains an important discussion of the congressional power to regulate commerce; which was drawn forth by the previous "vetoes" of President Polk, of several bills for river and harbor improvements. It embraces, too, a full exposition of the opinions of Mr. Webster on the subject of protective tariffs, and their bearing on the interests of labor, which he always sought, as a legislator, to regard before the interests of capital.[1]

At the opening of the session, on the 7th of December, 1846, Mr. Webster was in his seat in the Senate.

The only important questions before Congress, during this session, related to the Mexican War; and, in these, so far as they concerned mere details, he did not take a prominent part. He did, however, interest himself to see that justice was done to the chaplains proposed to be appointed for the army; and to the soldiers, in respect to the land bounties that were to be offered to encourage enlistments. When a vote of thanks to

[1] Works, ii. 309–368.

General Taylor was proposed in the following February, having, as Mr. Webster expressed it, "a sting in it," he caused the sting to be removed, and the vote to stand as a single expression of the thanks of Congress.[1] Beyond this he did not interfere in regard to measures relating to the prosecution of the war; but when, toward the close of the session, it became necessary to act on the conditions under which the war was to be brought to a close, he took a very decided attitude, the wisdom of which has been proved by all that has since occurred.

On the 1st of February, 1847, while a bill, to appropriate three millions of dollars to defray any extraordinary expenses that might be incurred in ending the war, was before the House of Representatives, Mr. Wilmot, of Pennsylvania, a member of that body, introduced the amendment which has since borne his name, and which proposed to exclude slavery from all territory that might thereafter be acquired by, or annexed to, the United States. The principle of this famous "Wilmot Proviso" was, of course, one that commended itself to every representative of a Northern constituency; but, the wisdom of acquiring territory at all, trusting to the chances of establishing this restriction, obviously admitted of the most serious question. It is to be remembered that Texas was already in the Union, under a compact which admitted of the formation of four new slave States out of her vast territory; that she so came in by the votes of Northern Senators and representatives; and that there was little prospect, after this concession, that Southern men of any party would consent, in future acquisitions of territory, to have what was regarded as a mark of inequality affixed to their relation to new regions lying contiguous to their own section of the Union. To Mr. Webster, as has been already seen, all these projects of enlarging the area of the Union, involving, as they necessarily did, the sectional question of slavery, were exceedingly objectionable; and, after what had occurred in the case of Texas, he had no faith in a policy which proposed to risk the consequences of acquiring more territory, along with the doubtful prospect of laying

[1] The "sting" was embraced in a *proviso*, which excepted one of General Taylor's acts, in these words: "That nothing herein contained shall be construed into an approbation of the terms of the capitulation of Monterey."

upon it, before or after it had been obtained, the restriction of the "Wilmot Proviso." As in the case of Texas, he now sought again to close the door against these questions, so full of peril to the future peace and harmony of the Union. He therefore, within a fortnight after the introduction of the "Wilmot Proviso" into the House, laid upon the table of the Senate two resolutions, in which he proposed to declare that the war with Mexico ought not to be prosecuted for the acquisition of territory to form new States to be added to the Union; and that the Government of Mexico ought to be informed that the United States did not seek her dismemberment, and were ready to treat for peace on a liberal adjustment of boundaries, and with a just indemnity to the citizens of either country having claims against the other.[1]

But the policy of the Democratic party, then holding as a party the control of public measures, was fixed. The two divisions of that party concurred in the determination to have more territory, to be acquired by conquest from Mexico, and to be wrested from her by the treaty which it was foreseen she could be compelled to make.

Many of the "Northern Democracy," so called in the political designations of the time, were for acquiring this territory, under the "Wilmot Proviso," if they could, but, at all events, for acquiring it; the "Southern Democracy" were opposed to the proviso, and were determined to have the territory without it, assuming that, in the end, it would be framed into slave States. Accordingly, on the 1st of March, when the Three-million Bill was before the Senate, a resolution, introduced by Mr. Berrien, of Georgia, similar in tenor to the resolutions of Mr. Webster, and disclaiming all acquisitions of territory, was voted down by the Democratic Senators against the votes of twenty-four Whig members, representing both Southern and Northern States. Thereupon, Mr. Webster, in some remarks which he made after the rejection of Mr. Berrien's resolution, expressed himself as follows:

"But here, sir, I cannot but pause. I am arrested by occurrences of this night, which, I confess, fill me with alarm. They are ominous, portentous. Votes which have been just passed by majorities here cannot

[1] February 15, 1847.

fail to awaken public attention. Every patriotic American, every man who wishes to preserve the Constitution, ought to ponder them well. I heard, sir, the honorable member from New York, and with a great part of his remarks I agreed; I thought they must lead to some useful result. But, then, what does he come to, after all? He is for acquiring territory under the Wilmot Proviso; but, at any rate, he is for acquiring territory. He will not vote against all territory to form new States, though he is willing to say they ought not to be slave States. Other gentlemen of his party from the Northern and Eastern States vote in the same way, and with the same view. This is called 'the policy of the Northern Democracy.' I so denominate the party, because it so denominates itself. A gentleman from South Carolina, if I understand him rightly, said he wanted no new territory; all he wanted was equality, and no exclusion; he wished the South to be saved from any thing derogatory, and yet he does not vote against the acquisition of territory. Nor do other Senators from Southern States. They are, therefore, in general, in favor of new territory and new States, being slave States. This is the policy of the Southern Democracy. Both parties agree, therefore, to carry on the war for territory, though it be not decided now whether the character of the newly-acquired territory shall be that of freedom or slavery. This point they are willing to leave for future agitation and future controversy. Gentlemen who are in favor of the Wilmot Proviso are ready, nevertheless, to vote for this bill, though that proviso be struck out. The gentleman from New York is ready to take that course, and his Northern and Eastern friends, who sit round him here in the Senate, are as ready as he is. They all demand acquisition, and maintain the war for that purpose. On the other hand, the other branch of the party votes eagerly and unitedly for territory, the Wilmot Proviso being rejected, because these gentlemen take it for granted that, that proviso being rejected, States formed out of Mexico will necessarily be slave States, and added to this Union as such. Now, sir, it has appeared to me from the beginning, that the proposition contained in the amendment which was submitted some days ago by my friend, the honorable member from Georgia, was the true and the only true policy for us to pursue. This amendment rejects all desire for the dismemberment of Mexico; it rejects acquisition of territory by conquest; it signifies a wish for the restoration of peace, and a readiness on our part to enter into negotiations, and to treat, not only for peace, but also for boundaries and indemnities. This amendment has been rejected, and now I come to the point: Who has rejected it? By whose votes has this amendment, this very evening, been lost? Sir, it has been lost by the votes of the honorable member from New York and his Northern and Eastern friends. It has been voted down by the 'Northern Democracy.' If this 'Northern Democracy' had supported this amendment, it would have prevailed, and we should then have had no new territory at all, and, of course, no new slave territory; no new States at all, and, of course, no new slave States. This is certain and indisputable. If the Senate had

said what that resolution proposes, the danger would have been over. But these gentlemen would not vote for it. To a man, they voted against it. Every member of the Senate belonging to the Democratic party, in the Northern States, however warmly he might have declared himself against new slave States, yet refused to vote against all territorial acquisition, a measure proposed and offered as a perfect security against more slave States. They are for acquiring territory; they are for more States; and, for the sake of this, they are willing to run the risk of these new States being slave States, and to meet all the convulsions which the discussion of that momentous question may hereafter produce. Sir, if there be wisdom, or prudence, or consistency, or sound policy, or comprehensive foresight, in all this, I cannot see it.

"The amendment of the honorable member from Georgia was supported by the votes of twenty-four members of the Senate. Twenty-nine members voted against it. Of these twenty-nine there were six gentlemen representing Northern and Eastern States; viz., one from Maine, one from New Hampshire, one from Connecticut, two from New York, and one from Pennsylvania. If these six members had voted for the resolution, they would have changed the majority; there would, from that moment, have been no apprehension of new slave territory or new slave States. Against the resolution, also, we heard the voices of five members from the free States in the Northwest; viz., one from Ohio, two from Indiana, one from Michigan, and one from Illinois. So it is evident that, if all the Senators from the free States had voted for this amendment, and against the acquisition of territory, such acquisition would have been denounced, in advance, by nearly two-thirds of the whole Senate, and the question of more slave States settled forever.

"Mr. President, I arraign no men and no parties. I take no judgment into my own hands. But I present this simple statement of facts and consequences to the country, and ask for it, humbly but most earnestly, the serious consideration of the people. Shall we prosecute this war for the purpose of bringing on a controversy which is likely to shake the Government to its centre? And now, sir, who are the twenty-four members who supported the amendment of the member from Georgia? They are the Whigs of the Senate, Whigs from the North and the South, from the East and the West. In their judgment it is due to the best interests of the country, to its safety, to its peace and harmony, and to the well-being of the Constitution, to declare at once, to proclaim now, that we want no new States, nor territory to form new States out of, as the end of conquest. For one, I enter into this declaration with all my heart. We want no extension of territory, we want no accession of new States. The country is already large enough.

"I do not speak of any cession which may be made in the establishment of boundaries, or of the acquisition of a port or two on the Pacific, for the benefit of navigation and commerce. But I speak of large territories, obtained by conquest, to form States to be annexed to the

Union; and I say I am opposed to the prosecution of the war for any such purposes.

"Mr. President, I must be indulged here in a short retrospection. In the present posture of things and of parties, we may well look back upon the past. Within a year or two after Texas had achieved its independence, there were those who already spoke of its annexation to the United States. Against that project I felt it to be my duty to take an early and decided course. Having occasion to address political friends in the city of New York, in March, 1837, I expressed my sentiments as fully and as strongly as I could. From those opinions I have never swerved. From the first I saw nothing, and have seen nothing, but evil and danger to arise to the country from annexation.

"The prudence of Mr. Van Buren stifled the project for a time, but in the latter part of the Administration of Mr. Tyler it was revived.

"Sir, the transactions and occurrences from that time onward, till the measure was finally consummated in December, 1845, are matters of history and record. That history and that record can neither be falsified nor erased. There they stand, and must stand forever; and they proclaim to the whole world, and to all ages, that Texas was brought into the Union, slavery and all, only by means of the aid and active coöperation of those who now call themselves the 'Northern Democracy' of the United States; in other words, by those who assert their own right to be regarded as nearest and dearest to the people, among all the public men of the country. Where was the honorable member from New York, where were his Northern and Eastern friends, when Texas was pressing to get into the Union, bringing slaves and slavery with her? Where were they, I ask? Were they standing up like men against slaves and slavery? Was the annexation of a new slave State an object which 'Northern Democracy' opposed, or from which it averted its eyes with horror? Sir, the gentleman from New York, and his friends, were counselling and assisting, aiding and abetting, the whole proceeding. Some of them were voting here as eagerly as if the salvation of the country depended on bringing in another slave State. Others of us from the North opposed annexation as far as we could. We remonstrated, we protested, we voted, but the 'Northern Democracy' helped to outvote us, to defeat us, to overwhelm us. And they accomplished their purpose. Nay, more. The party in the North which calls itself, by way of distinction and eminence, the 'Liberty Party,' opposed with all its force the election of the Whig candidate in 1844, when it had the power of assisting in and securing the election of the Whig candidate, and of preventing Mr. Polk's election; and when it was as clear and visible as the sun at noonday, that Mr. Polk's election would bring slaveholding Texas into the Union. No man can deny this. And in the party of this 'Northern Democracy,' and in this 'Liberty Party' too, probably, are those, at this moment, who profess themselves ready to meet all the consequences, to stand the chance of all convulsions, to see the fountains of the great deep broken up, rather than that new slave

States should be added to the Union; but who, nevertheless, will not join with us in a declaration against new States of any character, thereby shutting the door forever against the further admission of slavery.

"Here, sir, is a chapter of political inconsistency which demands the consideration of the country, and is not unlikely to attract the attention of the age. If it be any thing but party attachment, carried, recklessly, to every extent, and party antipathy maddened into insanity, I know not how to describe it.

"Sir, I fear we are not yet arrived at the beginning of the end. I pretend to see but little of the future, and that little affords no gratification. All I can scan is contention, strife, and agitation. Before we obtain a perfect right to conquered territory, there must be a cession. A cession can only be made by treaty. No treaty can pass the Senate, till the Constitution is overthrown, without the consent of two-thirds of its members. Now, who can shut his eyes to the great probability of a successful resistance to any treaty of cession, from one quarter of the Senate or another? Will the North consent to a treaty bringing in territory subject to slavery? Will the South consent to a treaty bringing in territory from which slavery is excluded? Sir, the future is full of difficulties and full of dangers. We are suffering to pass the golden opportunity for securing harmony and the stability of the Constitution. We appear to me to be rushing upon perils headlong, and with our eyes wide open. But I put my trust in Providence, and in that good sense and patriotism of the people which will yet, I hope, be awakened before it is too late."

And here, with this distinct and prophetic warning of what was to come, Mr. Webster, for the present, said no more. The "Wilmot Proviso" was not adopted; the Executive was left to prosecute the war, and to make a treaty, without restriction of any kind respecting the acquisition of territory, and the country entered upon a course of policy full of the perils which Mr. Webster had pointed out.[1]

[1] When the "Wilmot Proviso" was moved in the Senate as an additional section to the Three-million Bill, after the rejection of Mr. Berrien's restriction, Mr. Webster voted for it. It was rejected by a vote of thirty-one to twenty-one. Some remarks made by Mr. Archer, of Virginia, on this occasion, ought to be quoted here:

"But there was another view that was just as absolutely imperative on his mind as that at which he had only just glanced. It was the introduction of the question, which would come up with the acquisition of new territory. Had they, he inquired, become absolutely insane with this rabid appetite for territorial acquisition? What was the superficial extent of the United States? Had gentlemen passed their minds over it? Did any man suppose that there would be no difficulty in carrying out this problem of a free government without further acquisition, as our population increased? The House of Representatives, now with two hundred and twenty-eight members, found it necessary to adopt the 'one-hour rule' in debate; but when we become a population of one hundred millions, as it had been calculated we soon should, it would be necessary to adopt a 'minute rule,' and then every thing would be done out of doors—nothing more than the mere forms of deliberation remaining; and we shall become the most corrupt Government ever seen in the world. And did any man doubt, if they passed this appropriation, that the struggle on the question of slavery would come? Let honorable Senators read the resolutions which have already been presented from eight or nine States of this

At this session a bill was introduced by Mr. Crittenden, making an appropriation for sending supplies of food in a national vessel to relieve the famine in Ireland, caused by a failure of the crops. As originally proposed, the offer was from the Government of the United States to the Government of Great Britain. Mr. Webster thought it should be from one people to the other, and the bill was so amended. He said that the condition of Ireland was one of which Christendom, since the dark ages, had known no parallel.

Mr. Webster had long desired to make a tour in the Southern States, which, with the exception of Virginia, he had never visited. After the adjournment of Congress, on the 4th of March (1847), he proposed to carry out this purpose, but he was detained in Washington by professional business until the last week in April. He then proceeded on his journey, accompanied by Mrs. Webster and Miss Josephine Seaton, the eldest daughter of W. W. Seaton, Esq., of Washington. On the 29th of April he was at Richmond, where there was a public entertainment in honor of his visit. The journey was thence to Raleigh, at which place he remained until the 4th of May. Passing then through the pine region of North Carolina, he was met by a special train and a large deputation, ten miles from Wilmington, and escorted to that city. The party arrived in Charleston on the 7th of May.

The visit of Mr. Webster to this, the most cultivated city of the South, was marked by every possible demonstration of respect and interest. The proceedings at a public reception given to him by the citizens at large, at the dinners of the New-England Society and of the Charleston Bar, are all embraced in the second volume of his Works.

The first two were given to the statesman, the last to the lawyer; and in the addresses which he made on these several occasions are to be seen the distinct characters in each of which he was so eminent, and neither of which in him predominated

Union, expressing their inflexible purpose to exclude slavery from all territory that may hereafter be acquired. And he had information that resolutions had passed one branch of the Legislature of Virginia, and were expected to pass the other, in which language was used which showed that the people of his State were prepared for resistance to the determination of the free States. It was evident, then, that the passage of this bill would minister to the dissensions of the States, and if they were to subscribe a paper, declaring their purpose to be to produce such a calamity, it would be no more apparent than by the passage of this bill. It was lamentable to think of the consequences to result, which would be either the overthrow of this Union, or the infusion into the veins of the body politic of a poison that would make it unworthy of preservation."

over the other. At Columbia there were similar receptions, given by the citizens and the officers and students of the South Carolina College.

The reception at Savannah was peculiarly imposing. A great concourse assembled in the principal square, at the base of the monument erected to Greene and Pulaski, and there Mr. Webster was addressed in the name of the people of Savannah, by Mr. Justice Wayne, of the Supreme Court of the United States. His reply is also contained in the second volume of his Works. But here the state of his health, and the increasing heats of the season, obliged him to turn back. He gave up the purpose of visiting New Orleans with great reluctance. But his tour had enabled him to see and understand the rice and cotton culture of the South, and, with the exception of the city of New Orleans, and the regions of the lower Mississippi, he had now seen every principal and distinct region of the United States. As invariably happened, when travelling without a political purpose, he was everywhere recognized as standing in a peculiar relation to the Union; and everywhere, in the public speeches which he made, there was the same impressive inculcation of the duty of adhering to the Constitution *as it is*, of resisting all changes in it, because its original spirit and its original purpose must be impaired by such changes, and because the spirit and purpose cannot be departed from without great social and political convulsions, in which the free institutions of the country must be lost.

Before Mr. Webster left Washington on this Southern tour, it had become apparent that the brilliant success with which General Taylor had conducted the first campaigns of the Mexican War had created a military enthusiasm throughout the country, which was not unlikely to transfer him to civil life, and to the highest political station, by that popular assumption which jumps, from the display of high qualities as a soldier, to the conclusion that a successful general is fit for the highest duties and functions of a statesman. Mr. Webster had had too much experience in political life, and understood too well what are the qualifications which ought to be regarded as fitting any man for the position of President of the United States, to be willing to place a mere soldier in that office. He

saw this popular tendency toward General Taylor, as a candidate for the presidency, with great concern. He thought that it betokened the same weakness which had led other nations to the same error; and he never, at any time, was willing that the presidency should be regarded as a reward for mere military achievements, or that it should be bestowed on public men who were not trained for it in civil and political life.

Writing from Washington to his son, Mr. Fletcher Webster, April 25, 1847, he said:

"The probability now is, that General Taylor will come in President with a general rush. He would, certainly, were the election now to come on. It is in the nature of mankind to carry their favor toward military achievement. No people yet have ever been found to resist that tendency. The great pensionary John De Witt established it by a 'perpetual law' in the Dutch republic, that the supreme civil authority should never be placed in military hands. But this perpetual law was soon broken down, in order to place the chief authority in the hands of the military princes of the house of Orange. Here is a chapter of history worth studying."

Mr. Webster reached Marshfield, on his return from the South, on the 8th of June. The state of affairs in his "gun-room" was pathetically described a few days afterward as follows: "Fish-baskets all gone, great and small; every rod not gone is broken to pieces, so that I cannot take a fish; book of flies and hooks, belonging to the Edgar rod, gone, etc., etc., to the end of the list." This was a melancholy state of things for so great a sportsman. But, on opening a box, which had arrived before him, from some unknown giver, he found a very splendid and complete angling apparatus. Nothing indicated the source of this superb gift but the name of the maker of the articles. To him, therefore, Mr. Webster addressed the following characteristic letter:

[MR. WEBSTER TO MR. WELCH.]

"Marshfield, *June* 10, 1847.

"Dear Sir: On my arrival here, on the 8th instant, I found an unknown and unopened box, whose contents no one knew, nor could I ascertain whence it came, nor, with any accuracy, the date of its reception. You know what the box contained, and can therefore well judge of my surprise, as I found no explanation and no clew except your card and a

short memorandum in writing. Such a rich and elegant apparatus for angling I am sure I never saw, either at home or abroad.

"The rods and reels are certainly of exquisite workmanship, and richly mounted; the flies truly beautiful, and the contents of the books ample, abundant, and well selected. Poor Izaak Walton! Little did he think, when moving along by the banks of the rivers and brooks of Staffordshire, with his cumbrous equipments, that any unworthy disciple of his would ever be so gorgeously fitted out, with all that art and taste can accomplish, for the pursuit of his favorite sport!

"Among his followers are thousands of better anglers than myself; but I may challenge them, one and all, to show that a disciple can be found who goes to the field better prepared for creditable performances.

"My responsibility, I fear, is the greater. A fly thrown clumsily, with such implements, or a fish struck unadroitly, or played without skill, or suffered to escape, except into the basket, would justly affect the operator with lasting disgrace. How could he hope to justify himself before the Girards of New York, or the Eckleys of Boston? Henry Grinnell! I should be ashamed to meet him after such a misadventure. If he should hear of it, he would pause though he were just throwing a fly at a salmon in the rivers of Ireland! If I again shall see Islip or Smith's Pond, or the Fireplace, even if I shall wet a line, quite alone, at Waquoit or Sampson's Narrow, my hand, I am sure, will tremble, especially when I shall, for the first time, throw a May-fly to a trout by this beautiful gear.

"I do not know, my dear sir, that I ought to ask any questions of you. If my warmest thanks may be made acceptable to the source to which I owe this most extraordinary and elegant outfit for angling, I pray you to present them with cordiality and earnestness.

"For yourself, as the maker, you will allow me to express very high respect. I have never seen any thing to compare with your work; and I conclude by offering you my regards and hearty good wishes.

"Yours, etc.,

"Daniel Webster."

The summer passed away in the rural delights of Marshfield, from which he was absent but once; when, in the month of July, he was obliged to be in the city of New York, where, by the efficient aid of his friend, Mr. Blatchford, he accomplished a settlement respecting the affairs of certain property at Hoboken, which had given him much trouble and embarrassment. In the autumn, he was at Franklin, where "John Taylor was in a fright" concerning a railway that had been laid out through the farm, and in close proximity to the house.[1] In

[1] At the opening of the Northern Railroad, November 17, 1847, Mr. Webster was present, and made a short speech. Works, ii., 414.

the autumn, he was much occupied with professional engagements in different parts of New England.

During this season, he had occasion to consult the eminent physician, Dr. Samuel Jackson, of Philadelphia, with respect to his catarrh. This complaint, recurring at a regular period in the summer of every year, was considered by Dr. Jackson, who had great experience in treating it, as a nervous affection, although it simulates an inflammatory disease. Dr. Jackson's opinion was, that a depleting, debilitating treatment aggravated and prolonged it; that the diet should be as generous and substantial as the digestive organs will bear; that a tonic and alterative treatment should for two or three weeks precede the access of the disorder; and that, during its continuance, the inhalation of pure sulphuric ether affords the best relief. He did not regard change of climate as having much influence.[1] Mr. Webster pursued this system for a time, and occasionally resorted to it for the residue of his life. I think that he found it beneficial, but he never succeeded in conquering the disorder, and never wholly avoided its sufferings.

[1] It is a fact, however, that Mr. Webster often found relief by passing from an inland to an ocean atmosphere, or the reverse.

# CHAPTER XXXIV.

## 1847–1848.

FAREWELL TO MARSHFIELD FOR THE WINTER—ILLNESS OF MRS. APPLETON—DEATH OF MAJOR EDWARD WEBSTER—SKETCH OF HIS LIFE AND CHARACTER BY HIS BROTHER—MR. WEBSTER DETAINED AT WASHINGTON BY THE PENDING TREATY OF PEACE—PREDICTS THE CONSEQUENCES OF NEW ACQUISITIONS OF TERRITORY—ARRIVAL IN BOSTON—DEATH OF MRS. APPLETON—EFFECT OF THE DEATHS OF HIS CHILDREN—PREPARES THE FAMILY BURIAL-PLACE AT MARSHFIELD—RETURNS TO THE SENATE—EXPECTED NOMINATION OF GENERAL TAYLOR FOR THE PRESIDENCY—MISTAKES OF MR. WEBSTER'S FRIENDS—NOMINATION OF GENERAL TAYLOR BY THE WHIGS—REITERATES HIS OBJECTIONS TO INCREASING THE AREA OF SLAVERY—ADVISES THE ELECTION OF GENERAL TAYLOR, AND ASSIGNS HIS REASONS—SPEECHES AT MARSHFIELD AND IN FANEUIL HALL—DEATH OF MR. JEREMIAH MASON—EULOGIUM PRONOUNCED BY MR. WEBSTER AT A MEETING OF THE BOSTON BAR.

THE following letter, written by Mr. Webster before his departure from Marshfield, at the close of the year 1847, describes his last visit to that place before leaving it for the labors of the winter:

[TO MR. BLATCHFORD.]

"MARSHFIELD, Tuesday Morning, Five o'clock, *December* 7, 1847.

"MY DEAR SIR: It is a beautiful, clear, cold, still morning.

"I rose at four o'clock, and have looked forth. The firmament is glorious. Jupiter and Venus are magnificent; 'and stars unnumbered gild the glowing pole.' I wish I could once see the constellations of the South,

though I do not think they can excel the heavens which are over our heads. An hour or two hence we shall have a fine sunrise. The long twilights of this season of the year make the sun's rising a slow and beautiful progress. About an hour hence, these lesser lights will begin to 'pale their ineffectual fires.' Meantime, Mr. Baker and his men are already milking and feeding the cows, and his wife has a warm breakfast for them all ready, before a bright fire. Such is country-life, and such is the price paid for manly strength, and female health, and red cheeks.

"I hear the sea, very strong and loud at the North, which is not unusual after violent atmospheric agitations, and when the wind has lulled. They call this the 'rote,' or 'rut,' of the sea. Either expression is correct. The Latin *rota* is the root of both words. The 'ruts' in the road are the result of rolling, or the repeated and successive pressure of blows of the wheel. Rotation means repetition as well as succession. To learn a thing by *rote*, is to possess the mind of it by repeated readings or hearings. The *rote* or *rut* of the sea, therefore, means only the noise produced by the action of the surf, the successive breaking of wave after wave on the shore; and the beach means precisely the smooth shore, beaten by this eternal restlessness of the ocean. There is another expression for the same thing, sometimes used instead of 'rut' or 'rote;' I hear our people speak of the 'cry of the sea,' not an unapt phrase to signify the deep, hollow-sounding, half-groaning, or loud wailing voice of the ocean, uttered as if in resentment of its violent disturbance by the winds. As an indication of wind and weather, the rote of the sea is generally understood to signify either that the wind has recently left the quarter whence the rote is heard, or else is soon to spring up in that quarter. The moon changes to-day, the tides are high, and, at eleven o'clock, the sea will cover all the meadows, and reach the wall of our garden. I found the trees leafless, of course. The old elm shows nothing but bare limbs and sprays. But the ground is not yet frozen, and the fields are not without their green spots. Our harvest accounts are good. We think we have a thousand bushels of corn, three thousand of turnips, and seven or eight hundred of beets. The barns are full of hay. Six or eight oxen are eating turnips by way of preparation for the Brighton market, in March. We are in snug winter quarters, with only men enough to take care of the cattle, get the wood, and look out for kelp. To-day I shall try to look over accounts, count the cattle and sheep, see to the curing of the pork and hams, etc.; and to-morrow try to get back to Boston. Nobody is with me but George.

"Yours truly,

"D. Webster.

"P. S.—I went down to the mouth of the river at high water. The marshes are all covered, there was not a breath of wind, but the sea looked cold and blue. Our port was deserted, and the lobster-houses are all vacated. Half a dozen great wild geese were in the river, just below the boat-house,

who seemed very happy, as they had the whole scene to themselves. It is winter. I have taken my last look of Marshfield, out of doors, for the season, and, not without reluctance, give it all up for toilsome law and wrangling politics. I am thankful for the past. Adieu!"

He took his seat in the Senate, at this session of Congress, on the 20th of December, 1847. He presented numerous petitions praying that the war with Mexico might be brought to a close; but, in the early part of the session, he did not take an active part in the public business. He was, in fact, at this time much occupied in the Supreme Court; more so than he had been at any period since he went into the Department of State. Writing to his son, at this time, he says: "I attend to causes pretty closely; although, now that I am sixty-six years old, I take it for granted that people begin to say, 'He is not the man he was.' In some respects that is certainly true; perhaps in many." His argument in the Rhode Island case, involving the late attempt at revolution in that State, was made at this time, and it certainly gives no sign of not having been made by the "man he was." Its permanent importance consists in its discussion of the principles on which our American institutions are founded; of the modes in which constitutional changes can be lawfully reached; and of the meaning and bearing of that clause in the Constitution of the United States which guarantees to every State a republican form of government, and protects it against domestic violence.[1]

In the midst of these engrossing and most important duties, there came to him from Boston intelligence which gave him great anxiety respecting the health of his daughter, Mrs.

[1] It is to be found in his Works, vi., 217, *et seq.* The counsel who had argued this cause in Rhode Island, in the court below, was assisted by a gentleman of that bar, of the name of Bosworth, at that time a young, but a learned lawyer. In preparing a brief for the cause, in the court below, Mr. Bosworth had much elaborated a point which he thought highly important, but which his senior associate rejected. When Mr. Bosworth attended Mr. Webster in Washington, to instruct him in the cause, he went over the points on which it had been argued in the court below. When he had concluded, Mr. Webster inquired if that was all, intimating that the case was not fully covered. Mr. Bosworth modestly replied that he had himself prepared another point, but that Mr. —— did not consider it important. He then went through with his own view of the case. Mr. Webster started up with great animation, and said: "Mr. Bosworth, by the blood of all the Bosworths that fell on Bosworth Field, that is *the* point of the case! Let it be included in the brief by all means."

Appleton. In the early part of the winter, she had taken a severe cold, which developed some latent pulmonary tendencies. Still, she wrote to him so cheerfully, on one of the last days of December, that he felt relieved.

[FROM MRS. APPLETON TO MR. WEBSTER.]

"Boston, *December* 28, 1847.

"A happy New Year to you, my dear father, and many, very many, returns of it! I was glad to see a letter from you yesterday, addressed to Fletcher, which assured us you were quite well in your solitude. I suppose 'Monica' and yourself paid due attention to Christmas, in the way of turkeys, mince-pies, etc. Uncle Paige and his children dined with us on that day. Fletcher remained at home, as Caroline came down to dinner. There was a great hanging up of stockings on Christmas eve —five little ones, and even papa and mamma were requested to hang up theirs, in which some most mysterious little trifles were found; of course it was impossible to guess where they came from. The children are nearly free from colds. I am the only invalid at present. My cold has at last reached the crisis I anticipated, when I was visiting and shopping with mamma those damp days, and I now am to stay in my room until I get rid of it. I hope I shall not be housed very long. How very sad is Mr. Fairfield's death! He was very sanguine last winter about that fatal remedy, and urged Aunt Sam. Appleton strongly to try it. I am rejoiced she did not. We have had snowy weather for two or three days, and the sleighing is very good. Sammy and his sled take advantage of it. The poor child cried bitterly the day you left, to think you should have been at the door, and he did not see you. I tried to divert his mind by talking of Christmas, but he said, 'all he wanted was grandpapa in his stocking;' rather a capacious stocking would be required. The little ones all wish their grandpapa a 'Happy New Year,' and send a great many kisses.

"With much love, dear father, I am ever,

"Your affectionate daughter,

"Julia."

The disease, however, made rapid progress, and, by the end of January, Mr. Webster, who had become very much alarmed, desired to have his daughter brought to the milder climate of Washington. This was found to be impossible, and Mrs. Webster therefore went immediately to Boston. Some improvement in the case occurred by the middle of February, giving ground for that hope which in this disease is ever renewed and ever deferred.

[MR. WEBSTER TO MRS. APPLETON.]

"WASHINGTON, *February* 14, 1848.

"MY DEAR DAUGHTER: Your mother writes me daily, about all Boston things, the state of your health among the rest; but I hope her face will be turned this way by the time you receive this. I have not been out of my house for some two or three days, having given myself up for that time to Dr. Lindsley, to see if he cannot melt out of my bones and muscles some lingering rheumatism. Your mother says you are indignant about 'vice-presidents' and 'such things,' as Mr. Biddle used to say.[1] On all such subjects, my dear child, my notion is this. I am allowed to be the first farmer in Marshfield, South Parish, and I am content with this, unless I should be called to be first, elsewhere, where I can do more good. Give my best love to your husband, and to Miss Caroline Le Roy Appleton, Master Samuel Appleton, Miss Julia W. Appleton, Master Daniel Webster Appleton, Miss Constance Mary Appleton.

"Your truly affectionate father,

"DANIEL WEBSTER."

In a little more than a week after this letter was written, Mr. Webster received intelligence of the death of his youngest son, Major Edward Webster, which occurred near the city of Mexico, on the 23d of January. The last letter his father received from him, written on the 20th of December, indicated little danger from either battle or disease, and, when the intelligence of his death came, it was without warning of any kind.

[MR. WEBSTER TO FLETCHER WEBSTER.]

"*February* 23, Two o'clock, 1848.

"MY DEAR AND ONLY SON: I have just received this; when shown to Julia and the rest of the family, send it back safely to me.

"My own health is pretty good, but I hardly know how I shall bear up under this blow. I have always regarded it as a great misfortune to outlive my children; but I feel now, but more intensely, as when Grace and Charles died.

"But the will of Heaven be done in all things!

"Yours affectionately,

"DAN'L WEBSTER."

[MRS. APPLETON TO MR. WEBSTER.]

"*February 26th.*

"MY DEAR FATHER: Your most kind and comforting letter was received by me yesterday, and a great source of consolation it has been to

[1] Alluding to a rumor that he was to be nominated for the vice-presidency by the Whigs.

me. I rejoice to find that you have been enabled to lift up your head after this blow, and look 'unto Him from whence cometh our help.' It is, indeed, a sad affliction; but, thank God! I feel such perfect trust in His mercy and love, and know so well that 'He doth not willingly afflict or grieve the children of men,' that I feel assured that it was for Edward's good and happiness, as well as for ours, that he was taken away. May we all prepare to follow Him, through whom is the Way, the Truth, and the Life, and through whom alone we can find acceptance with God! I have many things to say to you, my dear father, but I trust to see you shortly, and I will wait until then, as I do not write very readily. Fletcher is very much afflicted, and not as calm and resigned as I hope he will be in a few days. God bless and keep you, dearest father, may you long, long, live; and may your remaining children be spared to be a comfort and solace to you! Tell mother that I think I am improving. I drive out every day. The children have all recovered. With much love from Samuel and myself, I am ever your affectionate daughter,

"Julia."

The following account of Major Webster's brief life, and sketch of his character, was written by his brother Fletcher:

"Major Edward Webster, younger son of Hon. Daniel Webster, was born in Boston on the 20th of July, 1820. He went through his early studies at the Latin school, and at Exeter Academy, and entered Dartmouth in 1837. In August, 1839, before his class graduated, he went to Europe, during the visit abroad of his father, and, after travelling some time in Great Britain and on the Continent, repaired to Geneva, where he remained nearly a year, pursuing his studies. From Geneva he went to Italy, and spent many months in the family and under the friendly care of the Hon. Edward Everett, then living at Florence. He returned from Europe in the year 1841, took his degree at Dartmouth, and commenced the study of the law at Washington, in the office of Richard S. Coxe, Esq., and finished his studies at Boston, in the office of Charles G. Loring, Esq.

"The commission for establishing the boundary-line between the United States and Canada being set on foot, he was appointed secretary to the American commission in 1843, and repaired at once to the scene of his duties on the frontier.

"Dispatch being very necessary, he was also charged with the duty of a civil engineer, and, taking command of one of the parties, surveyed a considerable portion of the boundary-line. After this part of their operations was finished, and while at Washington, engaged with others, under the direction of the commission and the chief-engineer, Major Graham, in preparing a report of the survey, the news of General Taylor's supposed imminent danger reached this country, and the well-known requisition of the Federal Executive was made upon the several States for volunteers.

"He resigned his commission on the boundary survey and came at once to Boston, where he raised the first company of volunteers accepted and organized by the State.

"As these were not immediately wanted for service, he remained for some time pursuing other avocations at home, until the regiment of Massachusetts was called for to proceed at once to Mexico. By this time several months had elapsed; many of his men had scattered; some of them, who had come from Maine and New Hampshire, where they had learned to know him, to serve under him again, had returned to their homes, and the character of the war had much changed.

"It was with no such enthusiasm as at first that he recommended recruiting at this time. His opinions of the war and its objects were the same as those entertained by his friends, but he felt that he had gone too far to recede; he had offered his services, had received his commission, and he felt that it was hardly consistent with his honor to withdraw, at the moment he was about to be sent into the field.

"Recruiting went on but slowly; many, however, of his former enlistment rejoined him, and several of those from Maine and New Hampshire who had previously enrolled, returned at once, and were among the first to answer to their names. All are aware how much the general sentiment of that part of the country, and especially of Massachusetts, was opposed to the war, and all can conceive what a disheartening attempt it must have been to recruit men under such circumstances, with no bounty from the Government, no aid from any one, and the good wishes of very few.

"He was, however, to be deterred or discouraged by nothing; he relinquished the prospect of a pleasant and profitable engagement at home, in his congenial pursuit of engineering, and pushed on his recruiting with undiminished resolution.

At last he raised a sufficient number of men, and they were mustered into the service of the United States, and the organization of the regiment was then begun. Upon his success in filling up his company, those who know any thing about it are aware, the hope of raising the regiment at all depended.

"On the final completion of the regiment he sailed for Mexico, senior captain in command of the first detachment of Massachusetts troops, being his own and the late Captain Felt's companies, and landed at the Brazos, whence he proceeded at once to garrison Matamoras.

"He was here taken severely ill, and his life was for some time feared for—he recovered, however, sufficiently to be removed, and returned home on leave of absence.

"While thus absent from his regiment, he was chosen to the majority, made vacant by the promotion of Colonel Cushing to a brigadier-generalship.

As soon as his health was restored he returned to his duties. In November, 1847, he reached Vera Cruz, and proceeded at once on the road to

join his regiment, which had gone up to Perote before his arrival. At Jalapa he was put in command of a battalion of troops from Georgia, all of them sick, then on their way up from that place to Perote, and ordered by General Patterson to get them through. During the march the weather was extremely bad, a cold north wind blowing, and a heavy rain falling all the while. He was overtaken and passed on the march by General Cushing and his staff, at Las Vegas. He was then wet through to the skin, and had been in the saddle fourteen hours in that condition, nor did he arrive in camp till after midnight. It was the exposure on this occasion, probably, which laid the foundation of the illness that proved fatal.

"On reaching Perote the command of his regiment devolved on him, and he marched with it to the city of Mexico, which he reached on the 8th of December.

"On the 19th, with his regiment, forming part of General Cushing's brigade, he proceeded to San Angel, where he was last heard from by letter, on the 20th of December, in good spirits and apparent health.

"On the 25th of the succeeding January he died, after an illness of about twenty days.

"Major Webster possessed in an eminent degree those qualities which commanded respect and engage affection. He had a gravity and steadiness of demeanor and a conscious self-respect which inspired those under him with confidence in his judgment and resources, and his manners, though always dignified, were peculiarly winning and attractive. Those who had the opportunity of seeing him in situations where it could be displayed, whether on the northeastern frontier with a surveying party, or in Mexico at the head of his men, bear witness that he possessed, to an extraordinary extent, the power of command, of making himself respected and beloved.

"With excellent abilities, a strong mind improved by travel and general association with distinguished persons, a decided taste and talent for mathematics, a resolution and firmness of purpose that nothing could shake, great courage, and a high sense of honor, he was well calculated to distinguish himself in the profession of arms, to which he felt always the strongest predilection.

"To his intimates he was all that generosity and amiability and goodness of heart could make a man; to his father and family he was a hope and a stay and a comfort, whose loss can neither be forgotten nor supplied.

"Many of our best and bravest have fallen in Mexico, but none have been cut off from fonder hopes, none leave behind more longing, aching hearts than Edward Webster.

"'And thou for whom an unavailing woe
Bursts from my heart, and mingles with the strain,
Had the sword laid thee with the mighty low,
Pride might forbid affection to complain.'"

No adequate idea of Mr. Webster's nature has been imparted to the reader, if he has not perceived how deep were his affections, and how strong the ties of kindred wound themselves around his heart. At the moment when this blow fell upon him, soon to be followed by another and yet a greater one, he could not withdraw from his public duties.

Early in the session, a bill was reported by General Cass, from the Committee on Military Affairs, to increase the army then engaged in Mexico, by raising ten regiments of additional troops. This formed the principal subject of discussion in the Senate until the Treaty of Guadalupe-Hidalgo was ratified, and for some time longer. That treaty was signed on the 2d of February; it was styled "A treaty of peace, friendship, limits, and settlement, between the United States of America and the Mexican republic." It was negotiated by an agent, Mr. N. P. Trist, appointed by the President of the United States, and three citizens of Mexico appointed by the President of that republic.[1] It undertook to cede New Mexico and Upper California to the United States; but it was to take effect only after it had been ratified by the President and Senate of the United States, and by the President of Mexico, with the previous approbation of its general Congress, which ratifications were to be exchanged within four months. It was ratified by the Senate of the United States on the 16th of March. Still, the measures for the further prosecution of the war were not dropped or even suspended. The "Ten-regiment Bill" continued to be pressed; there was also a bill for raising a loan of sixteen millions; and it was understood that a further measure for raising twenty regiments of volunteers was likewise to be introduced. It appeared very plainly that the object of all this was to coerce the Government of Mexico into the ratification of a treaty which would cede large territories to the United States. Under these circumstances, Mr. Webster could not leave his place in the Senate; although, on the 12th of March, and until it appeared that these measures were to be urged even after the Senate had ratified the treaty, he had supposed that

[1] The President of Mexico, by whom this treaty was authorized, was at the time under the "protection" of the United States forces.

he could go home. The following letters show his situation and the state of his feelings:

[TO MR. FLETCHER WEBSTER.]

"WASHINGTON, Sunday Morning, *March* 12, 1848.

"MY DEAR SON: The business of the treaty was finished on Friday, and the court rose yesterday; so that I have no very urgent duties, now, in either part of the capitol. I could now go home, were it not that I cannot well leave till we hear from Mexico. We must hear soon. I have to-day written to General Cushing. I suppose I wrote you that Adjutant-General Jones has written to New Orleans, to have all done that may be necessary if the remains arrive there.

"Mr. Healy is painting a portrait from the daguerreotype; I have not seen it, but it is thought to be very good. I have been meditating upon something which I wish should be thought of. Edward was ten years old when I made the Hayne speech in the Senate. Why should not Mr. Healy make a picture of him, as of that age, from the daguerreotype, and from Miss Goodrich's little miniature, and place him at my feet? He was then no older than Daniel is now.

"My health is pretty good, but I have been troubled, as you know, with rheumatism, etc. I now need rest. From the time of my arrival here till the day we heard of Edward's death, I was very laboriously employed. It is most likely an adjourned term of the court will be holden early in May; and, from this to that, I do not intend to do much. I shall go North as soon as possible. In Boston is the divorce case, and a case with Mr. Choate and Mr. Bartlett. These I must attend to, if necessary; and the rest of the time I think I shall spend principally at Marshfield. I have gone nearly through the proofs of the volume of diplomatic papers, and I feel that I ought to lose no time in preparing the proposed edition of the speeches. It would suit my feelings, as well as any thing, to sit down at Marshfield, and attend to this.

"Give my love to Caroline and the children. We hear you are all well.

"See Julia, and tell her what I propose about Edward's picture.

"Yours affectionately,

"DANIEL WEBSTER."

[TO MRS. TICKNOR.]

"WASHINGTON, *March* 13, 1848.

"From our first acquaintance, my dear Mrs. Ticknor, you have been with us and near us, in the vicissitudes of this checkered life. You have solaced us when distressed by the death of children; and when God has healed those wounds, and given us new blessings, your kind nature and sympathizing heart have participated in all we enjoyed.

"And now, my dear friend, when a very heavy and unexpected calam-

ity has fallen upon us, and almost crushed us, I hear your voice, and that of your husband, uttered in tones of soothing and condolence.

"I can only thank you, and say, that the smitten heart revives under the influence of commiseration and tenderness. I cannot speak of the lost one; but I submit to the will of God. I feel that I am nothing, less even than the merest dust of the balance; and that the Creator of a million worlds, and the Judge of all flesh, must be allowed to dispose of me and mine as to His infinite wisdom shall seem best.

"May He have us all in His holy keeping! and may we all feel that nothing in the universe can ever be lost; that no mind, the emanation of the Deity Himself, can possibly be extinguished; and that our merciful heavenly Parent will assuredly, one day, gather His moral and intelligent creatures to Himself!

"Pray give our love to Mr. Ticknor and your daughter.

"DANIEL WEBSTER."

[TO MR. FLETCHER WEBSTER.]

"Wednesday, *March* 15, 1848.

"MY DEAR SON: The telegraph announces sundry arrivals at New Orleans from Vera Cruz. I dare say we shall hear in a day or two.

"Mr. Healy has made a most beautiful picture of dear Edward. I shall take it home and keep it before my eyes as long as I live.

"I have a very nice letter from Daniel Webster, Jr.,[1] to-day.

"Your affectionate father,

"DANIEL WEBSTER."

On the 17th of March, although laboring under deep depression, he made some remarks in the Senate on the Ten-regiment Bill, in which he took occasion pointedly to condemn the exercise by the President of legislative powers over those portions of Mexico then held by the armies of the United States as conquered territories.[2] He also declared himself to be entirely opposed to the making of peace of *any* kind, on *any* terms, without looking to the consequences; to taking *any* thing, sent in the form of a treaty, and confirming it "with our eyes dead, sightless as the eyes of a marble statue, to all the future." This, it is to be remembered, was said in open session of the Senate, the treaty having been ratified in secret session on the previous day, with its acquisition of enormous territory, and sent back to Mexico. If a peace was to be had, Mr. Webster strongly disapproved of this mode of holding out to the people of this country the prospect of peace, which was to entail upon

[1] His grandson.

[2] Works, v., 262, *et seq.*

them the consequences that would flow from these acquisitions of territory before the public voice could be pronounced upon that policy; and he was equally opposed to all measures designed to coerce the people of Mexico into a surrender of their territories.

What he had chiefly to say on these subjects, however, he was obliged, by the state of his health and his domestic affliction, to postpone until the 23d of March, when the loan bill was before the Senate. It was the purpose of this bill to provide the money that might be needed in securing the assent of the Mexican Government to the cession of New Mexico and California. Mr. Webster now insisted that this was but the carrying out of the purpose for which the war was originally begun; and stating with great force that the issue now was, whether we were to have peace without new States to be added to the Union, or war until new States had been acquired at vast expense, he announced himself as unwilling to acquire new territories in that or in any other direction. He regarded this question as "vital, permanent, elementary, in the future prosperity of the country and the maintenance of the Constitution." He desired to have it go to the people of the United States; because, he said, "if a great constitutional principle, or what was essential to the maintenance of the Constitution, was to be broken down, he wished it to be the act of the people themselves"—it should never be his act. "If otherwise," he declared, "if they will have territory and add new States to the Union, let them do so; and let them be the artificers of their own fortune, for good or for evil."

What was it, then, that led him, in this prophetic spirit, to resist the acquisition of new territories, and to oppose himself to the wishes of men whose judgments differed from his, in this crisis of our national fortunes? History will demand that this question be examined, and that Mr. Webster's course shall be judged by the soundness of his reasons. It will inquire whether he, or those from whom he differed, acted with the largest circumspection and foresight, and it will try this question by the results. It will find that the acquisition of these new territories involved the question of a further extension of slavery; that this question was one that could not be raised without extreme

danger to the peace and harmony of the country; and that when it had been once raised, and the two opposite sections of the Union had been arrayed upon it against each other, the strife would probably go on until it had ended in some great peril. So it plainly appeared to him, and we can now see that he was right.

But there was still another ground on which he resisted this enlargement of the area of the Union. Since the acquisition of Louisiana and Florida, until the annexation of Texas, nothing had occurred to disturb the relation between the two branches of the legislative department. When new States had been admitted out of territory already belonging to the United States, care had been taken not to increase the representation in the Senate beyond the corresponding increase in the House of Representatives, by requiring a certain standard of population for the formation and admission of a State. But now, looking to the fact that, under the terms on which Texas had been admitted, it was in the power of Congress to make of that country five States, with ten Senators, these additions of New Mexico and California would admit of the legal creation of four more—making fourteen Senators from a region so sparsely populated that it could not send that number of representatives into the other branch of Congress. To the argument that Congress might be trusted not to make the new States until they had suitable populations, Mr. Webster replied that the purposes of party would govern the whole matter; that what had been done in the case of Texas would be done again; that when the new Senators were wanted for any particular purpose they would be made, and he said that *the year* 1850 would witness what he then foretold. This monstrous disfigurement and derangement of the Constitution, placing in the Union States entitled each to two Senators, but with a population in the whole of them not an eighth part of that of one of the older States that could still have but its two members in the Senate, was an innovation which, however hopeless might be the effort, he intended to resist to the last.

"I think," he said, "I see a course adopted which is likely to turn the Constitution of the land into a deformed monster; into a curse rather than a blessing; in fact, a frame of unequal government, not founded on pop-

ular representation, not founded on equality, but on the grossest inequality; and I think this process will go on, or that there is danger that it will go on, until this Union shall fall to pieces. I resist it to-day and always! Whoever falters or whoever flies, I continue the contest." [1]

Soon after he had thus discharged all the public duty that he could perform on this momentous subject, he went directly to Boston, where he arrived on the 26th of March. His daughter's condition is described in the following letter:

[TO MR. BLATCHFORD.]

BOSTON, *March* 28, 1848, Tuesday morning, seven o'clock.

"MY DEAR FRIEND: We arrived here on Sunday morning, early and comfortable, and found Julia much as I had expected, though not so weak. Her countenance is bright and natural, but I suppose there is no important change in the tendency of her complaint. I shall go to Marshfield to-morrow, if the weather should be fair; I shall not leave this neighborhood for the present. It would hardly be worth while for me to write you at large now, because the news by the steamer must occupy all your thoughts.

"These afflictions have pressed upon me the propriety of doing some things, about which I entirely need your advice and assistance. I want you to come whenever you have four days on hand. The sooner you can be here, the better, on account of Julia's condition. And I should like to be informed some days beforehand, in order that I might be sure to be quite disengaged.

"Mrs. Webster is pretty well. We had the pleasure of seeing Mrs. Blatchford and Mary a moment on Sunday. I hope to get a line from you this morning.

"*Two o'clock.*—My dear sir, your letter has come, and with it your enclosure. You are more than kind. I can never repay your constant and assiduous goodness. Do not come this way till you can stay four days. With that condition, come as soon as possible. Julia is reported to be quite comfortable to-day.

"Yours,

"DANIEL WEBSTER."

But the disease, with its wonted alternations of hope and discouragement, went on slowly but surely to its fatal consummation. Mrs. Appleton died on the 28th of April. Her last words were, "Let me go, for the day breaketh." Her father wrote to Mr. C. H. Thomas, his Marshfield agent, on the following day.

[1] Works, v., 271–301.

[TO CHARLES H. THOMAS, ESQ.]

"Saturday Morning, eight o'clock.

DEAR HENRY: It is all over. Mrs. Appleton died last evening at a quarter past eight o'clock. She suffered a good deal at times during the day from difficulty of respiration, but finally expired, calmly, without a struggle, and without pain. She retained all her faculties to the last moment in a most remarkable degree. Her mind was never brighter, and she conversed as much as her strength would allow. During her suffering moments she seemed impatient to be gone, but generally exhibited perfect resignation, and the most assured Christian faith. I have never seen a death so calm and serene, and attended with such perfect soundness and strength of mind. I do not yet know whether the funeral will be on Monday or Tuesday.

"Yours,

"DANIEL WEBSTER."

The funeral of Mrs. Appleton took place on Monday, the 1st day of May. A few hours previous to this mournful ceremony, the remains of her brother, Major Webster, reached Boston, in the charge of a faithful servant who was with him when he died. He was buried with military honors on the 4th day of May—Thursday of the same week. His funeral took place from the house of his uncle, Mr. Paige, the whole square in front being filled with a great concourse of people, waiting in reverent sympathy with the afflicted father. When Mr. Webster appeared at the door, the crowd uncovered their heads, and then slowly followed his carriage to the church where the interment was to be made. The whole population of the city was profoundly moved.

During this melancholy week I did not personally witness his demeanor, being unable to be with him or near him. I returned from Carolina on the day previous to the burial of his son, bringing with me the remains of one who had been a friend and companion of his children from early life, for whom I had sought in vain the restorative influences of a Southern clime. He was not unmindful of these recollections. Notwithstanding his own great affliction, he was present at these third funeral rites, occurring in the same week. His letters at this time, and an interesting extract from the reminiscences furnished me by Mr. Ticknor, will best bring him before the reader.

[MR. WEBSTER TO MRS. LEE.]

"Boston, *May* 8, 1848.

"My dear Mrs. Lee: Your first two letters were duly received, and have actually lain open and unfolded before me till the third arrived. Certainly I ought not so long to have omitted acknowledging that which accompanied the 'book.'

"Mrs. Webster immediately read the book through, and expressed great gratification with it. I only fear it has made her dislike our Puritan ancestors a good deal more than she did before.

"I shall take my turn with it the first leisure day, at Marshfield.

"I thank you, my dear friend, for your sympathy with us, under our most severe afflictions; I did not look for these calamities, but I pray for a submissive and reconciled spirit. I know that I must follow my lost children soon, and that we must all be diligently preparing for an exchange of worlds.

"A great portion of my life, my dear friend, has been passed with you near me. Poor Grace, who died in your arms! Twice within the week I have looked upon her coffin; and there lies her mother, who loved you like a sister; and there lies dear little Charles. The mother, and four out of five of her children, are already in the same tomb. May God enable me to sustain these overwhelming sorrows, and still always to bless His most holy name!

"Dr. Sprague wrote me several times for a short sketch of your father's character. I would gladly do any thing, but the matter is better disposed of in your hands. Of your father, his person, his appearance in and out of the pulpit, his graceful manners, his agreeable social habits, and the fervor and glow of his pulpit performances, I have a most lively recollection. You remember that you and I and Mrs. Webster went together to visit his grave.

"My wife desires her best love to you. We should both be happy to see you. I met with Mrs. Parker,[1] for a moment, at Mrs. Curtis (poor Mary Story's) funeral on Friday. The meeting, though for an instant only, brought a thousand tender recollections to my mind.

"Yours truly and sincerely always,

"Daniel Webster."

[TO MR. JEREMIAH MASON.]

"Boston, *May* 8, 1848.

"My dear Friend: I thank you for your kind letter, received some days ago, and for all the proofs of sympathy and affection manifested for us in our afflictions. These two calamities were unexpected.

"I find it difficult to hold up against them. Of five children, only one

[1] One of his Portsmouth friends, the widow of the Rev. Dr. Parker, *ante*, i., p.

now remains; but I try to discipline myself, and to submit, without repining, to the will of God. It is a sad thing to outlive our children; but, if it be so ordered by Divine wisdom, I acquiesce. Ere long I know that I must follow them.

"I shall not go to Washington for a week or ten days, and will find an occasion to see you and your family before my departure. You and Mrs. Mason are among those whom I and mine have longest known, and most loved.

I thank God that I am not deprived of either of you, in this day of trouble. I look back on our long friendship and intercourse, as a bright line along the course of life; and it has been a continuing consolation, when connections, the nearest and the dearest, have been struck down.

"With true regard and affection, yours,

"DANIEL WEBSTER."

Mr. Ticknor says, in his Reminiscences:

"On the 29th of April, 1848, the day after Mrs. Julia Appleton's death, I called at Mr. Paige's, merely to make inquiries about Mr. Webster, without any intention of going in. But he heard my voice, and came to the door. He was alone, walking restlessly up and down the parlors, with a Bible in his hand. I joined him, and we continued to walk for some time. At first he was very composed, and talked freely of Julia, and her character. He said that, not long before her death, he was driving slowly with her in a carriage around the 'Common,' and, as they passed the burial-ground, she pointed to a modest monument, and said she would like to have one like that erected at Marshfield to Edward, and another to herself. He told her it should be done. The form she selected was that of a very nicely-proportioned, but very plain marble, which the poet Sprague had erected to his excellent father, an honest, faithful, strong-minded man, whom I remember from my earliest years. And all the monuments Mr. Webster subsequently erected at Marshfield are of this form.

"Mr. Webster then talked of Edward, whose body was expected to arrive from Mexico, where he had died on the 23d of January previous. He said that, when Edward was going to Mexico the first time, he desired to have Henry, a colored man, who had lived with Mr. Webster a long time, from a period when Edward and Henry were both boys. In fact, Henry had been a slave in a family where Mr. Webster boarded, in Washington, and, being cruelly treated there, Mr. Webster had bought him, and given him his freedom. But he was now a married man, living with his wife, in Washington, and it seemed doubtful whether he would be willing to go on such an expedition. His attachment to Mr. Webster and to Edward, however, prevented a moment's hesitation, and, when Edward proposed it to him, he said: 'I will go with you, Master Edward, to the ends of the earth.' As is well known,

Edward had a very severe illness after reaching Mexico, and returned home broken in health, and with a firm conviction that nothing but the affectionate care and watching of Henry had saved his life. When his health was partly restored, he determined to rejoin his regiment, and Henry offered to accompany him, saying that he would not trust him to go alone. The second expedition proved fatal. Henry watched over him with the same care, the same unremitting affection, slept and watched in his room every night, and was with him while, in sleep, he passed from life to death. He then remained with his body, and accompanied it home, bringing with it a favorite horse, that Edward had continued to watch and feed from his bed, through a window, during his illness.

"As Mr. Webster related these circumstances to me, he became very much agitated, and, as he ended, saying: 'I paid five hundred dollars for Henry, and it was the best spent money I ever laid out in my life,' the tears flowed freely over his face, and his whole person was convulsed."

In the following week, after the burials of his children, Mr. Webster sought the retirement of his own house, at Marshfield, and there occupied himself with preparing the last resting-place for his kindred dust. To that spot the remains of all his deceased children and their mother were afterward removed, and monuments were erected of the form chosen by his daughter. While engaged in giving these directions, he wrote the following *memoranda:*

"My daughter, Julia, the wife of S. A. Appleton, died at her husband's house, No. 30 Winter Street, Boston, April 28, 1848, at fifteen minutes past eight o'clock in the evening.

"There were present, at her decease, her husband, myself and wife, her brother, Daniel Fletcher Webster, and his wife, Mr. and Mrs. Paige, and their daughter, Mrs. Caroline Blatchford, Miss Mary Fletcher, Miss Ellen Fletcher, Dr. John Jeffries, Miss Fellows, the nurse, and other domestics.

"Her funeral was attended Monday afternoon, May 1st. The Episcopal Service was read by Bishop Eastburn, and the body was deposited in my tomb, under St. Paul's Church, in Boston.

"My son, Edward Webster, a major in the regiment of Massachusetts Volunteers, serving in Mexico, died at San Angel, eight miles from the city of Mexico, of a typhoid fever, on the night of the 23d of January, 1848. Henry Pleasants, his faithful servant, who was in the room with him, says he died in his sleep. He did not suppose himself to be so near his end.

"The doctor had ordered drink to be given him at certain intervals. His servant woke him in the night, and gave him his drink. He took it, and said, 'That will do, Henry,' and turned over, and lay down again. When Henry went to him he was dead.

"His funeral was attended by the regiment, the Episcopal funeral services read, and military honors performed. The best possible care was taken by his military friends to preserve the body. It was sent home under the care of Lieutenant Wing, attended by Henry Pleasants, with all his effects and his horse; and arrived in Boston on Monday, the 1st of May, a few hours before his sister was committed to the tomb. The body was taken to the same tomb on Thursday, the 4th of May, from Mr. Paige's house, in Summer Street, under a military escort, and attended by relatives and friends; a most appropriate and fervent religious service having been performed, at the house, by Rev. Mr. Lothrop. Mr. Blatchford, Mr. Jaudon, and Mr. Draper, came from New York to attend the funeral.

"On the 10th of May I planted two weeping elms on the lawn, in front of the house at Marshfield, as a kind of memorial to the memory of a lost son and daughter. They are to be called 'The Brother and Sister;' there being present myself and wife, and my son, Daniel Fletcher Webster, and wife, and my daughter's two eldest children, viz., Caroline Le Roy Appleton and Samuel Appleton. My daughter left five children, viz., Caroline Le Roy, Samuel, Julia Frances, Daniel Webster, and Constance Mary.

"Edward Webster was never married. Charles B. Haddock and Mary Anne Sanborn, full cousins of the deceased, were present at their funerals. Two other full cousins are living, viz., Mrs. Alice B. Whipple, of Brooklyn, New York, and Mrs. Emily Webster, of Boscawen, New Hampshire.

"Written at Marshfield, *May* 11, 1848.

"DANIEL WEBSTER."

The inscriptions, afterward placed by Mr. Webster on the monuments erected near his family tomb, at Marshfield, and now before me in his handwriting, are these:

GRACE FLETCHER WEBSTER,

BORN, *January* 16, 1781.
DIED, *January* 21, 1828.
Aged 47 years.

"Blessed are the pure in heart, for they shall see God."

GRACE FLETCHER WEBSTER,

BORN, *April* 29, 1810.
DIED, *January* 23, 1817.
Aged 7 years.

CHARLES WEBSTER,

BORN, *December* 31, 1822.
DIED, *December* 18, 1824.
Aged 2 years.

MAJOR EDWARD WEBSTER,

Born, *July* 20, 1820.
Died, in Mexico, *January* 23, 1848.
Aged 28 years.

JULIA WEBSTER APPLETON,

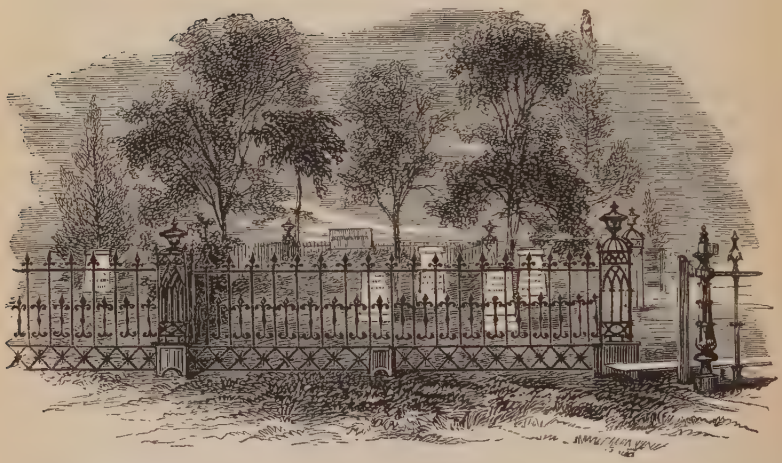
Born, *January* 16, 1818.
Died, *April* 28, 1848.
Aged 30 years.

"Let me go, for the day breaketh."

Julia W. Appleton.

CONSTANCE MARY APPLETON,

Born, *May* 30, 1847.
Died, *March* 15, 1849.
Aged 2 years.[1]



But the statesman cannot linger at the tomb. There is a country, there are duties stretching far in their relations to the present and the future, which command him, not to forget, but yet not to be borne down by private griefs. In religious resignation and in the power of self-control, Mr. Webster's character was endowed equally with his intellectual gifts. It was not alone from the teachings of philosophy, drawn from a great experience of what our human life is, that he was able to derive the calm-

[1] This child of Mrs. Appleton died in the year following the death of its mother.

ness which he now needed. He was a firm believer in revealed as well as in natural religion. No one can doubt this, who has followed through the narrative of his life, and has observed how his religious tenderness was always the deepest chord in his moral nature, answering immediately and naturally to the touch of affliction. Nor was there any parade, or any purpose to stand as an example, in any thing that he said or wrote on such occasions.

He was too great to *act* a part of any kind; and it may be taken as a certainty that, if he had not fully believed and felt all that he ever said or wrote on such subjects, it would never have come from him.

It would be wrong to say that the deaths of his children, and the contemplation of his own, which was now much mingled with his thoughts, produced any change in him. He had long ceased to act from mere personal ambition, even if it is true of him that he had ever so acted. He had long known that he stood in a peculiar relation to the people of this country; that there was a certain work to be done for the preservation of our political institutions, by endeavoring to save us from sectional collisions, disunion, and civil strife; and that this could be done, and only done, by preserving the Constitution of the United States as we received it from its founders. In this he was now to labor, while his day lasted. His own personal fortunes as an American statesman were identified with this great purpose of his life. If public measures and popular action were destined to choose the ways of wisdom, his wish to be placed at the head of the Government would be gratified. If we were to be swept along the dark road to disunion and civil war, the same causes which were to give us that fatal impulse would prevent the attainment of any personal wish of his. When he turned, therefore, from the graves of his children a sadder, he did not need to become a wiser, man, in relation to the objects for which he lived; or a better one in relation to the public duties that it remained to him to perform. As soon as the state of his feelings would permit he returned to Washington, and was again in his place in the Senate on the 29th of May.

But it is necessary to recur to what had taken place in the political world before and during his absence from Washington;

as we are now to mark another of the grand errors of the Whig party in their relation to Mr. Webster; at the same time one that was also an error in their treatment of the questions growing out of the Mexican War.

It had long been apparent that the Administration of Mr. Polk intended by that war to acquire New Mexico and Upper California; and even before the Treaty of Guadalupe-Hidalgo was projected, as the means of compelling a surrender of those territories, it was known to all men that Mr. Webster's position was that of unyielding opposition to this result. He would have had a peace, as we have seen, but peace without the addition to the Union of new States or Territories. In every view, therefore, whether of the highest political expediency or of mere party tactics, it should have been the policy of the Whigs to plant themselves firmly upon this principle. It was well known that the object of these acquisitions was to increase still further the number of slave States, and that it was expected that these new regions would become slaveholding. Whether this expectation was well or ill founded, it was clearly to be seen that their addition to the Union would give rise to a question respecting the further extension of slavery. Throughout the North, therefore, a well-organized and long-established party like the Whigs, taking such a ground as that occupied by Mr. Webster, and making him its candidate for the presidency, would have had strong reasons to expect success; and, even in the South, Mr. Webster's conservative opinions, his steady fidelity to the laws of the land, his known hostility to any interference with slavery as it existed, constitutionally, in the States, and his wise disinclination to open new sectional questions, might have been expected to overcome the wishes and plans of those who were pursuing the hazardous and unjustifiable course of defending slavery by attempting to increase its political power. It was of the utmost consequence, moreover, to the future welfare of the Union, to prevent the promotion in the North of a purely sectional party, based solely on opposition to slavery.

But, in the first place, the Whigs in the Senate of the United States were not unanimous in their opposition to the treaty by which the Administration proposed to make a peace. In the

next place, a large body of the leading men in the Whig party supposed that the popularity of General Taylor, consequent upon his brilliant services in the war, rendered him the most "available" candidate for the presidency whom they could select. Knowing very little respecting his real fitness for the office, or even his political views, and turning wholly aside from the great question of principle and public policy that demanded their consideration, these persons were ready to incur serious hazards, in the idea that the popular enthusiasm for a military chief was more certain to bring their party into power than the merits and claims and long public services of the most eminent statesmen connected with their organization. It happened, therefore, that when the time drew near for the assembling of a Whig National Convention to nominate candidates for the presidency and the vice-presidency, this class of politicians conceived the idea that if Mr. Webster would consent to be nominated for the second office, with General Taylor for the first, a ticket of "great strength"—to use the language current on such occasions—would be presented. On Mr. Webster himself this plan was much pressed, by the suggestion that it was the best mode to secure the present triumph of the Whig party, and his own election as President at the next following term. But it received no countenance from him; not only because it was in truth a personal indignity, but because it was not and could not be known what would be the character of General Taylor's Administration in reference to the questions connected with the incorporation into the Union of the territories that were to be severed from Mexico. Mr. Webster, moreover, strongly disapproved of the selection of military men for the office of President of the United States, especially in cases where there was nothing but military success and reputation to cause the selection. He never did any thing, or would consent to do any thing, signifying his previous assent to the nomination of General Taylor as the candidate of the Whig party.

In this state of things, an occurrence took place in the city of New York in the month of Febuary (1848), which had an unhappy influence in preventing the nomination of Mr. Webster by the Whig National Convention which assembled in the following June. Mr. Clay, it was supposed, intended to have

his name brought before the convention as a competitor for the nomination. As a means of counteracting the plans of Mr. Clay's friends among the Whigs, certain gentlemen of influence and consideration in that party, well known to be personal and political friends of Mr. Webster, incautiously, and without consultation with him, placed their signatures to a paper calling a popular meeting in favor of the nomination of General Taylor. As a political movement, to be participated in by persons who desired the nomination of Mr. Webster, this meeting was an obvious blunder. What he thought of it may be seen from the following letter, addressed by him to one of his intimate friends, who had written to him to explain its purpose:

[To Mr. Blatchford.]

"*January* 30, 1848.

"My dear Sir: I have received your letter of Friday evening. It would be wrong in me not to say that I felt surprise at the publication of the call for a meeting in New York, and the names subjoined.

"I cannot, by writing, say all I could wish to say on the subject. I do not question at all the motives of the gentlemen, nor complain at all of not being consulted. But I fear the step will turn out to be a mistake, and I will state in few words the grounds of my apprehension.

"There are hundreds and thousands of Whigs who are sober-minded and religious, who will not vote for a candidate, brought forward only because of his successful fighting in this war against Mexico. Mr. Clay is still a candidate, and will be so; and many Whigs will flock to his standard, unwillingly, perhaps, but yet they will do so, *if no other Whig candidate be kept prominent except General Taylor.*

"There will be a Whig convention; and, if things go on in their present course, when the convention comes, there will be no leading candidate but Mr. Clay and General Taylor; and unless the latter should, in the mean time, come out clearly and distinctly, with an avowal of Whig principles, which, I think, he is not likely to do, Mr. Clay will, most certainly, be nominated. My impression, therefore, is strong that this proceeding in New York is calculated, instead of weakening, very much to strengthen, Mr. Clay's chances.

"It seems to me obvious enough that a more promising state of things would have existed, if the gentlemen concerned in this call had taken another course, or even if they had done nothing. Mr. Clay's prospects are, in my opinion, at this moment, decidedly brightening. In all this, however, I may be mistaken.

"Yours always truly,

"Daniel Webster.

"To Mr. Blatchford."

As Mr. Webster had predicted, when the convention assembled at Philadelphia in the following June, General Taylor and Mr. Clay were found to be the leading candidates, and the latter had nearly as many supporters as the former.[1] But Mr. Clay had been twice defeated before the people, and it was the general judgment of the party that he could not be elected, if he were to be nominated. General Scott had also a considerable body of friends in this convention, but there was no period in the canvass prior to its assembling when his name could have been carried before that body with any prospect of success. If the proper steps had been taken, therefore, before the meeting of the convention, to keep Mr. Webster's name prominently before the public as the person who ought to receive the nomination, neither Mr. Clay nor General Scott would have commanded on the first balloting the votes which they received; for, when the delegations came together, General Taylor was the choice of much less than a majority of them, and, of those who were found voting for Mr. Clay and General Scott, many might have been sent under instructions to vote for Mr. Webster, or have been personally inclined to do so, if his own friends had pursued from the first a different course. On the assembling of the convention, when it was found that Mr. Clay and General Scott would respectively receive votes which in the aggregate would exceed those likely to be cast for General Taylor, some of the friends of Mr. Webster, from New York and other States out of New England, adopted a line of action which resulted in the nomination of General Taylor, but without Mr. Webster's concurrence. Having received a letter from him, written from Washington, firmly declining to be nominated as Vice-President, these gentlemen determined to support General Taylor for the presidency.[2] Their reasons, as appears from a letter written by one of them at the time, in order to explain to Mr. Webster the grounds of their action, appeared to have been these:

[1] On the first ballot General Taylor received one hundred and eleven votes, and Mr. Clay received ninety-seven.

[2] The Massachusetts delegation are not included in the observations made in the text. Those gentlemen, with one exception, continued throughout to vote for Mr. Webster, and did not at all concur in the course of his friends in that body from other States. The member of the Massachusetts delegation who did not vote with his colleagues came to the convention originally as a supporter of General Taylor.

1. That their party could succeed with General Taylor as a candidate, and with no one else.

2. That General Taylor's political sentiments were those of the Whigs.

3. That if General Taylor should become President, Mr. Webster and his opinions would be respected and regarded in the administration of the Government.

4. That if the friends of Mr. Webster were to insist pertinaciously on his nomination, Mr. Clay would become the nominee; and if Mr. Clay were elected President, Mr. Webster and his services to the country would be dispensed with by the men in power.

In all this there was very little that was sound or wise. It might be true that the Whigs could elect General Taylor, if no regard was to be paid to the great questions which ought to have been put at issue, and if "successful fighting" was to be made the ground for placing him in the office of President. But, if a public policy, founded on principle, had been distinctly enunciated by this convention, and its candidate had been a fit representative of that policy, there was no good reason for assuming defeat as a foregone conclusion. It might be true that General Taylor could be vaguely called a "Whig;" but it was a matter of some consequence to have it understood what was meant by that term, since there was a great body of men hitherto acting as Whigs, who, if they could not have what they regarded as Whig principles represented by that organization, would sooner or later give effect to them through another. It might be true, that if Mr. Clay were to become President, Mr. Webster's services to the country would not be asked for in any post of administration; but, whatever may have been General Taylor's personal feelings toward Mr. Webster, it was no more certain that the men who were seeking to make him President would desire or consent to his following the advice of Mr. Webster, than it was that the friends of Mr. Clay would seek to have Mr. Webster included in his councils.

In short, the result of this balancing of political chances, by gentlemen who were some of Mr. Webster's "oldest and most ardent friends," evinced the unsoundness of their calculations

in all respects but one. That General Taylor could be elected President on the mere *furore* of popular admiration for the sterling qualities as an officer which he had exhibited in the Mexican War, and on a general conviction of his personal honesty, turned out to be true. But the party which made him its candidate relied on nothing else when they made the nomination. The convention, after his nomination was declared, steadily refused to make any declaration of principles;[1] and the consequence was, that this election settled nothing in regard to the momentous questions involved in the results of the Mexican War. It left the Whig party in possession of the Government without any declared policy on these subjects; and it consequently increased the peril of the formation of a third party, whose opinions, feelings, and action, on the subject of slavery would confine their organization to the North, and introduce for the first time in our history a purely sectional party.

Although Congress continued in session, Mr. Webster left Washington soon after the middle of June, to pass a portion of the summer at Marshfield. The action of the Whig Convention created for him one of those embarrassments which statesmen in very eminent positions must often meet; one in which it is necessary to decide, under a sense of great responsibility, what course to pursue among alternatives none of which is free

[1] The following were the ballotings in the Philadelphia Whig Convention of 1848:

| | *First.* | *Second.* | *Third.* | *Fourth.* |
|---|---|---|---|---|
| Taylor | 111 | 118 | 133 | 171 |
| Clay | 97 | 86 | 74 | 32 |
| Scott | 43 | 49 | 54 | 63 |
| Webster | 22 | 22 | 17 | 13 |
| Clayton | 4 | 4 | 1 | — |
| McLean | 2 | 1 | — | — |
| Total | 279 | 280 | 279 | 279 |

Several attempts were made to have the convention declare by resolution that the nomination must be accepted as a "Whig" nomination, if at all; and one effort was made to define "Whig principles" as "no extension of slavery—no acquisition of foreign territory—protection to American industry, and opposition to Executive usurpation." But these propositions were ruled to be *out of order*. General Taylor was nominated for President, and Mr. Fillmore for Vice-President, as "Whigs;" but what constituted Whig principles was left to be defined according to the personal and local views of the voters. Now, the real question by which this course of conduct should be judged, is, not what one or another person in the North or the South would have called the political principles of the Whig party, but what ought to have been adopted by that party, in that crisis of our national affairs, as their public policy.

Mr. Webster had very clearly indicated what that policy ought to be. But his doctrine was thought to be of less consequence, in the political field, than the "availability" of General Taylor.

Consequences stretching very far into the future, and fatal to the welfare of both sections of the country, ensued from this mistake, as we now know.

from objection. The power to make such a decision, and in making it to maintain that higher consistency which yields some minor opinions for objects of great public concern, was one of the strongest attributes of Mr. Webster's character. When he had reached a decision, on such occasions, he did not act as a mere politician, sheltering himself in silence and leaving his motives to be inferred. He always assigned his reasons, placing them in the public judgment for the present and the future. He now had to determine whether he should retire altogether from public life, or advocate the election of General Taylor. That he must do the one or the other, seemed to him quite clear; and that these were the real alternatives, we can now see with equal clearness. For the question presented to Mr. Webster by the nomination of General Taylor was, whether he should withhold from the country his advice and influence, making no effort still to affect public measures by acting with the party to which he belonged, or whether he should do what he could to correct the errors of that party by still endeavoring to cause his own principles to prevail in the public councils. It was most manifest that, during the next four years, the questions produced by the result of the Mexican War would be decided; and that Mr. Webster's presence in some department of the Government would be of the utmost consequence.

To be silent, and to allow it to be inferred that he was willing to see the candidate of the Democratic party elected, and the open and avowed policy of that party to prevail, was out of the question. To remain in the Senate, and yet to make no effort to cause his own opinions to be regarded by the party with which he had long been connected, in case that party should prevail in the election, was an equally impracticable course. To countenance the breaking up of the Whig party, and to consent that its elements and forces should be merged in a new political organization that could exercise no influence in any Southern State, was to incur the hazard of indirectly promoting the success of the Democratic candidate. The real issue before the country was, whether General Cass, the candidate of the Democratic party, or General Taylor, the candidate of the Whigs, should be elected President. In the former

event, the whole force of the Administration would be thrown in favor of the creation of new slave States; in the latter, something might be done to prevent this result. Among all the numerous letters which Mr. Webster received at this time, I have found none that so accurately touches the question of duty which Mr. Webster had to decide, as the following from Mr. Berrien, of Georgia, the Southern Senator who had hitherto steadily endeavored to prevent the mischiefs that were to ensue from the acquisition of new territory.

[FROM MR. BERRIEN.]

"*June* 16, 1848, Friday.

"MY DEAR SIR: The present aspect of our political affairs may perhaps authorize this brief note.

"You are aware that, from the moment when the Whig party of the Senate faltered in the discharge of what I suppose to be its plain and obvious duty in the matter of the Mexican treaty, I have not been sanguine in my hopes of success in the present canvass. By our 'faltering' on that occasion, I thought we had lost an opportunity of putting the party on vantage-ground, which would have enabled us to select our candidate for the presidency, with a just reference to his merits and qualifications, and not solely on the ground of his supposed 'availability.' And when the convention had determined to put aside the claims of one who had borne their standard, because victory had not crowned their efforts, I thought that the rights of our Northern friends ought to have been respected. I am not, therefore, among those who 'rejoice with exceeding joy,' at the result of its deliberations. But the die is cast—and the question between the nominee of the Democracy and General Taylor is one on which I think no Whig ought to hesitate. I am equally sure that any division among ourselves will be fatal to our success, and that, without the cordial coöperation of New England, we cannot succeed. Your position enables you to exercise with that portion of our countrymen the just influence which acknowledged talent, undoubted patriotism, and unwavering devotion to those great conservative principles which they as well as we have cherished, cannot fail to command.

"Public opinion will not allow you to remain inactive, and the earliest demonstration will be the most efficient. If your situation is thus responsible, it is also not without its advantages. The South is, in a great degree, answerable for the present position of the party; and that man who, in this hour of need, shall effectually contribute to the successful issue of the adventurous experiment in which they have involved us, cannot fail to be gratefully remembered by them. If, as I hope and believe, the unhappy question which fanatics and minor politicians are constantly thrusting into

our councils shall be disposed of within the next four years, I think there is no portion of the Union in which your talents and public services will be more and more justly appreciated than that with which my local position renders me most intimately conversant.

"I am, dear sir, very respectfully and truly, yours,

"Jno. Macpherson Berrien.

"To Hon. Daniel Webster."

Mr. Webster, however, did not decide hastily what course to pursue. He remained in New England until the month of August, with what feelings, in regard to public affairs, may be seen from the following letter:

[Mr. Webster to Mr. Ketchum.]

"Boston, *July* 21, 1848.

"My dear Sir: I received yours of the 18th last evening, on my return from New Hampshire.

"My health is good, and, if the weather is not too oppressive, I intend going to Washington next week.

"But, really, I feel no disposition to make a speech. In the first place, I have nothing new to say; in the next, I am so much disgusted with our Northern politicians, Whigs and all, that I am out of all humor of making further effort. We are wise 'behind the hand.' We lock the stable fast after the steed is safely off, with the thief on his back.

"I see no longer any important practical question. There will be no slaves in Oregon or California, and all that part of New Mexico, where slaves could be employed, will probably be made part of Texas. The annexation of Texas did the business mainly, and the ratification of Mr. Polk's treaty with Mexico has finished what remained. I have steadily resisted all annexation and all acquisition, but there are those who would have territory, or pretended that they must take it. I feel much inclined to leave it to them to say what they will do with it, now that they have got it.

"You need not fear that I shall vote for any 'compromises,' or do any thing inconsistent with the past. But, as to new efforts, I cannot see that I am called upon to make them. The counsels of others have been followed, and it is but reasonable that they should work out from them their proper results themselves. At any rate, I am tired, and since I do not see now pending, especially since the report of the Oregon Committee, any question of great practical importance to the country, I am disposed to indulge a little my desire for quiet and silence.

"Yours, always very truly,

"Daniel Webster."

But, soon after he arrived in Washington, certain occur-

rences rendered it necessary for him to break the silence in which he desired for the present to remain. A bill for the organization of a government for the Territory of Oregon came from the House of Representatives, and, while it was pending in the Senate, Mr. Douglas caused an amendment to be adopted, by which the "Missouri Compromise" was revived, and declared to be "in full force and binding for the future organization of the Territories of the United States, in the same sense, and with the same understanding, with which it was originally adopted."

The effect of this was to declare that, north of the parallel of 36° 30′, slavery should be prohibited, and that, south of that line, new Territories might be organized, in which slavery could be established. The House disagreed in this amendment, and the question then came whether the Senate should recede from it. Mr. Webster at once entered into this discussion, and what he said is contained in the fifth volume of his Works.[1] Having pointed out that the amendment was not germane to the object of the bill, which was simply to make a territorial government for Oregon, he reiterated his opinions respecting the whole subject of slavery in its various political relations. That the Constitution recognized a particular description of slavery in certain States *belonging to the Union at the time of its adoption*, and gave to *those States* a right to have the slaves included in a certain ratio in the basis of representation in the lower House of Congress; that this was consented to on the understanding that, in the northwestern territory, slavery would not be allowed to be introduced, and that there would be no acquisition of territory to be made into new States on the Southern frontier of the country, either by cession or conquest, he held to be plain historical facts. That this understanding required that slavery, as it existed in States then in the Union, should not be interfered with on the one hand; and, on the other, that the inequality of political power, which it so far admitted, should not be increased by the creation of new slave States, he maintained with equal firmness. But this original purpose and understanding of the two sections of the country had been broken in upon, he said, by the creation of five new slave-

[1] Works, v., 302, *et seq.*

holding States, and but one free State. He would not go further; and, in refusing to go further, he did not consider that he was doing injustice, for he could not admit that, because the local law of a slave State recognized slaves as *property*, the citizens of such a State could claim *a right* to carry that local law into the Territories of the United States, and there demand a recognition as property of that which is not regarded as such by the general law of the world. With respect to the constitutional power of Congress, to declare its will on this subject of the introduction of slaves into the Territories, he said he had no doubt whatever. He concluded by declaring that he should consent to no extension of the area of slavery upon this continent, nor to any increase of slave representation in the other House of Congress.

The Senate receded from its amendment. But what had occurred revealed to Mr. Webster a still stronger necessity for his continuing to act publicly with the Whig party, notwithstanding the fact that their candidate for the presidency was a citizen of a Southern State, and himself a slaveholder. In the first place, it had become apparent that many important persons in the Democratic party stood ready to sanction the Southern claim of a *right* to carry slavery into the Territories. In the next place, the best mode in which this could be effectually counteracted was by increasing Northern Whig strength in the House of Representatives; an object which would be thwarted by any unwillingness of Mr. Webster to use his influence in the North for the general success of the Whig party. By what he said on the Oregon bill, he made it plain to the friends of General Taylor that he could not be included in the Administration of the latter if it was not to act upon the principles which Mr. Webster had always held and now reiterated; and, to the country at large, he made it equally plain that it was not office, but influence over public measures and the welfare of the Union that he would seek, if he should advise the people to make General Taylor President. In taking this view of his duty, and in finally deciding to recommend, publicly, the election of General Taylor, I do not say that Mr. Webster did not incur hazards. The hazard that the Administration of General Taylor would adopt a dangerous policy in regard to the boundary of Texas, and

the organization of the new Territories, and the probability that Mr. Webster would be misunderstood and misrepresented, in his own quarter of the country, by those who could not, or would not, look at the subject as comprehensively as he did, were the obvious perils. But when does a statesman ever act, in circumstances of difficulty, without incurring such hazards? If he is not to accomplish all the good he can, by choosing the path that is attended with the least peril, although it be attended with some, he must retire from public life, and cease to act at all. Fully believing this to be the alternative, Mr. Webster, in the course of the autumn, consented to meet his neighbors at Marshfield, in the vicinity of his own house, and on his own property, and there to give his advice to his fellow-Whigs. The meeting took place on the 1st of September. What he was to say was, of course, looked for with great interest not only in Massachusetts, but throughout the country. Reporters came from very distant presses to give the speech to their public. It was a very plain and perspicuous statement of the reasons which governed him in determining to vote for General Taylor, and in advising others to do so.[1]

It was of the utmost consequence at this time to have it understood, by the people of the United States, that this nomination of General Taylor had not been brought about —as it certainly had not been—by any peculiarly Southern interest, or in order to secure the further extension of slavery; because, if General Taylor were to become President, it was most important that the people should understand on what ground, and by whom, he had been presented for their suffrages.

Hence, in this speech at Marshfield, Mr. Webster showed distinctly and pointedly that the movements for the nomination of General Taylor originated chiefly with Northern Whigs; that these persons were certainly not in favor of the extension of slavery; that the sole motive which actuated them was the belief that General Taylor's popularity as a successful military chieftain would make him President; or, as Mr. Webster expressed it, the "sagacious, wise, far-seeing doctrine of *availability* lay at the root of the whole matter." Looking, then, to

[1] See the speech in Works, ii., 425, *et seq.*

the fact that General Taylor had had no experience in civil life, he said that "this case stands by itself, without a precedent, or justification from any thing in our previous history." This objection, founded on the merely military distinctions and qualifications of the candidate, ought, in his opinion, to have prevented the nomination. It was, he said, a nomination "not fit to be made."

These observations gave offence to some of General Taylor's friends; but it was of vast consequence to have the country understand that an Administration—whose head might be likely to deal with some of the critical questions growing out of the annexations of further territory, more with the forecast of a soldier than with the forecast of a statesman—would be one attended with some peculiar perils, and therefore one that Mr. Webster would feel it his duty carefully to watch. Still, he said there was another side to the account; for he believed General Taylor to be an upright, independent man; that he had been fairly nominated; that he would not plunge the country into further wars of conquest; and that the sole alternatives were, his election as the Whig, or the election of General Cass as the Democratic candidate.[1] Presenting this issue with great force, Mr. Webster concluded that the safest, the only safe, course to be followed was to insure the success of the Whig party in the election, and thereby to put it in the strongest position to meet the questions that were to arise in relation to the newly-acquired territories. This, he said, could not be done if he and other Whigs were to refuse their votes to the Whig candidate for the presidency.

In a letter written to his friend Mr. Blatchford, on the 18th of September, Mr. Webster stated his precise objects in making this speech:

"You speak kindly of my speech, and I should be glad if it did some good. Of course, there are many in your circle that it will not satisfy. They think General Taylor is a miracle of a man, knowing every thing, without having had the opportunity of learning it, and the fittest man in the world, by a sort of inspiration, to administer a constitutional

[1] General Cass and his party entered this canvass with declarations in favor of establishing the line of the "Missouri Compromise," which would have carried to the Pacific Ocean the consent of Congress that new States, formed south of the parallel of 36° 30′, might come into the Union as slave States.

government, and discharge the highest civil trusts. My purpose in this speech was exactly this: first, to make out a clear case for all true Whigs to vote for him: second, to place myself in a condition of entire independence, fearing nothing, and hoping nothing personally, from his failure or his success. I would not, therefore, flatter either him or his more ardent friends. Thirdly, and most especially, to show the preposterous conduct of those Whigs who make a secession from their party, and take service under Mr. Van Buren.

"I am, dear sir, very truly, ever yours,

"DANIEL WEBSTER.

"P. S.—Have you ever been to Edgartown and Nantucket? They are great places for bluefish at this season of the year, as I am told. The blackfish abound at New Bedford."

How the speech was received by judicious men out of New England, may be inferred from the following letter to Mr. Webster from Mr. R. L. Colt, an eminent private citizen of New Jersey:

"PATERSON, *September* 12, 1848.

"MY DEAR SIR: I have read with great satisfaction your admirable exposition of your sentiments on the great question of who shall we vote for, for our next President, and, though you do not go as zealously for Taylor as I do, yet I am satisfied that your views will do more good in New England than mine would have done, and therefore I again express my thanks for your coming to our rescue. How much better and more honorable your course has been than that of Mr. Clay, who under no circumstances could have been elected, while it is now believed that, if you had carried the nomination, you could have received a majority of all the votes. But we will not now think of what ought to have been, but how we can defeat Cass, whose election I should look upon as the prostration of our country for years to come.

"I send to you a peacock and hen, and two Guinea hens, which I hope will arrive safe. I visited Buffalo Fair, and saw no pigs or other stock that I thought better than yours, except sheep—the Merino and South-downs were worthy of all praise.

"With great respect, ever truly yours,

"ROSWELL COLT.

"To Hon. Daniel Webster."

On the 24th of October he delivered another speech in Faneuil Hall, on the topics involved in the presidential election.[1] He said of it, in a letter to Mr. Blatchford:

[1] Works, ii., 449, *et seq.*

"It was not well reported. I am correcting the notes, and there will be a reprint. It might have been better. In this sort of meeting, I am not apt to enter into the spirit of the occasion till the occasion comes. There is, therefore, usually no preparation.[1]

In the course of this autumn, Mr. Webster was called to pronounce a public eulogium on that great man who had been his intimate friend for forty years, and to whose intellect, as we have seen, he never failed to pay the tribute of his admiration and gratitude. Mr. Jeremiah Mason died in Boston on the 14th of October (1848), at the age of eighty years. In the Supreme Court of Massachusetts, on the 14th of November, Mr. Webster delivered the address concerning Mr. Mason which is now embraced in his collected works. It was closed with the following impressive passages:

"But, sir, political eminence and professional fame fade away and die with all things earthly. Nothing of character is really permanent but virtue and personal worth. These remain. Whatever of excellence is wrought into the soul itself belongs to both worlds. Real goodness does not attach itself merely to this life; it points to another world. Political or professional reputation cannot last forever; but a conscience void of offence before God and man is an inheritance for eternity. Religion, therefore, is a necessary and indispensable element in any great human character. There is no living without it. Religion is the tie that connects man with his Creator, and holds him to His throne. If that tie be all sundered, all broken, he floats away, a worthless atom in the universe; its proper attractions all gone, its destiny thwarted, and its whole future nothing but darkness, desolation, and death. A man with no sense of religious duty is he whom the Scriptures describe, in such terse but terrific language, as living 'without God in the world.' Such a man is out of his proper being, out of the circle of all his duties, out of the circle of all his happiness, and away, far, far away, from the purposes of his creation.

"A mind like Mr. Mason's, active, thoughtful, penetrating, sedate, could not but meditate deeply on the condition of man below, and feel its responsibilities. He could not look on this mighty system—

'This universal frame, thus wondrous fair,'

without feeling that it was created and upheld by an Intelligence to which all other intelligences must be responsible. I am bound to say, that in the course of my life I never met with an individual, in any profession or condition of life, who always spoke, and always thought, with such awful reverence of the power and presence of God. No irreverence, no lightness

[1] MSS.

even no too familiar allusion to God and His attributes, ever escaped his lips. The very notion of a Supreme Being was, with him, made up of awe and solemnity. It filled the whole of his great mind with the strongest emotions. A man like him, with all his proper sentiments and sensibilities alive in him, must, in this state of existence, have something to believe and something to hope for; or else, as life is advancing to its close and parting, all is heart-sinking and oppression. Depend upon it, whatever may be the mind of an old man, old age is only really happy when, on feeling the enjoyments of this world pass away, it begins to lay a stronger hold on those of another.

"Mr. Mason's religious sentiments and feelings were the crowning glories of his character. . . . . Such, Mr. Chief Justice, was the life, and such the death, of Jeremiah Mason. For one, I could pour out my heart like water, at the recollection of his virtues and his friendship, and in the feeling of his loss. I would embalm his memory in my best affections. His personal regard, so long continued to me, I esteem one of the greatest blessings of my life; and I hope that it may be known hereafter, that, without intermission or coolness through many years, and until he descended to his grave, Mr. Mason and myself were friends.

"Mr. Mason died in old age; not by a violent stroke from the hand of death, not by a sudden rupture of the ties of nature, but by a gradual wearing out of his constitution. He enjoyed, indeed, through life, remarkable health. He took competent exercise, loved the open air, and, avoiding all extreme theories or practice, controlled his conduct and habits of life by the rules of prudence and moderation. His death was therefore not unlike that described by the angel, admonishing Adam:

> "I yield it just, said Adam, and submit.
> But is there yet no other way, besides
> These painful passages, how we may come
> To death, and mix with our connatural dust?
>
> "There is, said Michael, if thou well observe
> The rule of 'not too much,' by temperance taught,
> In what thou eat'st and drink'st; seeking from thence
> Due nourishment, not gluttonous delight;
> Till many years over thy head returned,
> So mayst thou live; till, like ripe fruit, thou drop
> Into thy mother's lap; or be with ease
> Gathered, not harshly plucked; for death mature.
> This is old age."

# CHAPTER XXXV.

## 1848–1849.

RELATIONS WITH THE ADMINISTRATION OF GENERAL TAYLOR—BEGINNING OF THE SECTIONAL CONFLICT IN REGARD TO THE NEW TERRITORIES—MR. WEBSTER'S VIEW OF THE COURSE PROPER TO BE PURSUED—DEBATES ON CONSTITUTIONAL QUESTIONS—BUSINESS IN THE SUPREME COURT—DEATHS OF A GRANDCHILD AND OF MRS. THOMAS—VISIT TO VIRGINIA—RETURN TO MARSHFIELD—EXCURSIONS.

THE election of General Taylor, as President of the United States, occurred in the month of November, 1848. What expectations Mr. Webster then formed concerning his own relations to the incoming Administration will be seen from the following letters, written from Boston before he went to attend the second session of the Thirtieth Congress.

[TO MR. KETCHUM.]

"BOSTON, *November* 22, 1848.

"MY DEAR SIR: The sentiments of your letter concur, very fully in the main, with my own. My feelings are against office of any kind, at present; but I do not intend to commit myself, nor indeed to make up any opinion, on any subject, till the time comes.

"In one respect, I think a suggestion of yours not very practicable. I could have little or no influence with an Administration of which I was not a member. Sometimes members of Congress obtain an influence with the Executive, by assiduity and importunity. These are not accordant with my habits. I could volunteer no advice; and in the course of things my advice would be seldom asked, notwithstanding that I might be on

friendly terms with the President. He would naturally chiefly rely, either on himself, or those officially near him. He ought to do so.

"The general result of my reflections, up to the present moment, is, that it will be most expedient for me to leave Congress at the end of the session, and attend to my own affairs. I hope to have half an hour's talk with you next week.

"Yours truly,

"DANIEL WEBSTER."

[TO MR. BLATCHFORD.]

"BOSTON, *December* 5, 1848, Tuesday, Two o'clock.

"MY DEAR SIR: I have yours of yesterday. I believe it is true that an effort is making here, for Mr. ——, for the Treasury, but it is by only a few. Sensible men see the impropriety of it, considered in connection with the tariff question. . . .

"A friend has just said to me, 'The great question in State Street is, can Mr. Webster be prevailed upon to be Secretary of State? If so, that settles the question for New England.'

"My dear friend! I am old, and poor, and proud. All these things beckon me to retirement, to take care of myself—and, as I cannot act the first part, to act none. That is exactly my feeling; without being pressed to say what I would or would not do, in case of the arising of an exigency, in which these who have been friendly, and are entitled to best regards from me, might think I could be of *essential* service.

"I shall be in New York at the end of the week, with no power of stopping; I am under promise to the Supreme Court.

"It is my expectation to be back here on professional business at Christmas.

"We have no news to-day. If any to-morrow, I will let you know; but all the news here is through New York.

"Yours,

"D. W."

Mr. Webster arrived in Washington on the 13th of December. As this was the period when the existing Administration was about to close, and a new one to come in, speculation of course was rife concerning the formation of General Taylor's Cabinet. The war with Mexico was over; and the questions brought upon the country, by the acquisitions of territory with which that war had ended, were now to be the great political questions of the time. The message of President Polk, at the opening of the session, distinctly admitted—what Mr. Webster had long since declared would be the result—that the

acquisition of these territories had created "a domestic question which seriously threatens to disturb the harmony and successful operation of our system." It was claimed, in this message, that Congress ought not to legislate on the subject of slavery in those territories; but that, if such legislation was to be had, it ought to be based on a recognition of the right of citizens of slaveholding States to carry their slaves with them into territories acquired by the common blood and treasure of the whole Union; and that, as the best adjustment between this claim of right, on the one side, and its denial on the other, the line of the "Missouri Compromise" ought to be extended from the western boundary of Texas to the Pacific, which would leave the territories south of the parallel of 36° 30′ with power to become slaveholding States, if the inhabitants should so determine. Such was the attitude of the Administration then about to go out of office; and this course Congress was earnestly pressed in the message to adopt at its present session.

Mr. Webster's position, at this time, was in a considerable degree an embarrassing one, because it was not known, when this question was thus precipitated upon Congress, what the character and course of General Taylor's Administration were to be in reference to this momentous subject. If an invitation had come from the President-elect to Mr. Webster, to enter his Cabinet, or if the advice of Mr. Webster had been sought by the friends of General Taylor at Washington, who were concerned in making the new arrangements, there would have been a plain indication that the policy of the Whig Administration, in regard to the new territories, was to be the reverse of that which had been announced by those who were soon to surrender the executive influence and power. But General Taylor remained in Louisiana for the present, and sent no message to Mr. Webster, nor was the latter consulted at all by his Whig associates who undertook to advise General Taylor respecting the formation of his Cabinet. Under these circumstances, it was clearly Mr. Webster's public duty, on the one hand, not to take any step which would prevent the new President from seeking his advice, when he should come to shape the policy of his Administration, if, on arriving in Washington,

he should be inclined to do so. On the other hand, it was necessary for Mr. Webster, when obliged to act at the present session on the questions urged upon Congress by President Polk, to maintain the views and purposes which he had always avowed. In every form, and on every occasion, he had resisted the acquisition of new territory. But these territories had been acquired. What was now to be done, in his opinion, was, so to act on the questions to which this enlargement of the Union had given rise, as to prevent the demand for further increase in the number of slave States from bringing the harmony of the Union into peril, by a dangerous conflict of sectional interests and feelings. It is to be remembered that, at this time, although a great immigration into California had already begun, it was not foreseen that it would become a free State by the voluntary action of a majority of its inhabitants; nor that New Mexico would be a country unfitted for slave-labor. At the opening of this session of Congress it was supposed that both of these great regions might become slaveholding, and there was a struggle to make them such.

Mr. Webster was of opinion, at this time, that the proper course to pursue was to authorize the President to take temporary possession of these territories as conquered countries, and to hold them under a military government, preserving the operation of their local laws, until the end of the next session of Congress, or until Territorial governments should be provided for them. In this way, he thought that time would develop a state of things which would render action in Congress upon the slavery question unnecessary, besides enabling Congress to see, more clearly than they could now do, how the Territorial governments ought to be framed, and how the boundaries of New Mexico ought to be adjusted. With this explanation of the attitude of affairs at the commencement of the session, I now continue the series of Mr. Webster's private correspondence after his arrival at Washington.

[TO MR. FRANKLIN HAVEN.]

"WASHINGTON, *December* 17, 1848.

"MY DEAR SIR: Nothing more is known here, I believe, of General Taylor's purposes respecting his Cabinet, than is known with you. It is

generally supposed he will defer a final decision till he reaches the city. In the mean time, I think *opinion* here is settling down on two or three points, absolutely or contingently. I infer this from what I hear expressed in the circles of Congressmen. There seems a general readiness to concur in whatever may be necessary to make a respectable Administration.

"I expect to leave Washington toward the end of the week, and to be in Boston on Christmas-day, or the day after.

"Yours with very true regard,

"Daniel Webster."

TO MR. TICKNOR.]

"Washington, Louisiana Avenue, next the Unitarian Church.
"*December* 21, 1848, Thursday Evening, alone, over a small wood-fire.

"My dear Sir: I thank you for yours, which I received this morning. I remember that next Monday is Christmas; and I have an idea, not indistinct, of Park Street, four o'clock—certain ladies—a certain gentleman, and a good dinner. But pity me; here I am. A case is before the court, of some importance.

"Mr. Ashmun spoke yesterday, all day, 'from morn till noon, from noon till dewy eve,' and dropped, etc., 'with the setting sun.'

"Mr. John Davis has occupied this whole day, and he has either not finished, or else, like the angel to whom enraptured Adam listened, though he has finished, he 'seems still speaking.' When I can persuade myself that he has really made an end, I have something to say. But my speech will be 'the be all and the end all here;' and I shall be off immediately by steamer, since I cannot take passage on the river.

"Meanwhile, I am, with affection for you and yours,

"Rusticus Expectans.

"Mr. Ticknor."

[TO MR. BLATCHFORD.]

"Washington, *January* 1, 1849.

"A beautiful bright morning. The long twilight of such a morning is charming—the sun shining along beneath the horizon, showing his light a great while before he shows himself. As all is open before my southern and eastern windows, I gazed on his 'bright track' an hour this morning. The evening twilight of winter would be equally beautiful in fine weather, and more often seen, but the air is usually not clear enough toward evening.

"My dear sir, I hardly think a 'certain event' so probable as Mr. Hall seems to regard it. In the first place, there will be 'cliques' opposed to it, formed by those who wish the principal control themselves. In the next place, allowing much good sense and magnanimity to the President-elect, he still knows that, if my opinion had prevailed, he would not have been nominated. Finally, it is likely he may be much influenced

by Mr. Crittenden's advice, and I am not at all certain what that advice will be.

"And now give me leave to ask one question: *What good could I do in that position to the country, or my friends?* I know my appointment would keep out a person whom you do not want to see in power; but, beyond this negative benefit, I see no other. . . .

"Pray think of something else, and if something better cannot be done. I am willing to stay in the Senate, if that should be thought desirable, though I should prefer to leave it. What I sincerely wish, and all that I wish respecting myself, is to see Fletcher placed in a position to support his family, and myself left to my profession, my studies, or my ease.

"I do not like the French news. Nothing is more likely, than [that] this election of Napoleon will create new troubles with Austria and Italy, and foment disaffection in Germany and Prussia. I trust we may escape.

"How are Mr. Jaudon's family? Pray give my love to them all. I hope they see Mrs. W. often.

"Yours,

"D. W."

"Boston, *January* 16, 1849, Tuesday, Twelve o'clock.

"My dear Sir: I write this in court, Mr. Choate still speaking. We shall finish the law discussion to-day, probably, and go to the jury to-morrow. I have your letter this morning. . . . I have a letter here from Mr. Stetson, with which I doubt not you are acquainted. Say to him I keep every thing close and say nothing.

"My dear sir, if possible, without sacrificing objects dear and important to friends, let me be left out of all cabinets but that of Porter Wright, Seth Weston, and Seth Peterson.[1] I assure you this is my earnest wish. Fletcher being in some way provided for, with permission on my part to leave the Senate, I should be exactly suited. But I would stay in the Senate, if it were thought I could be useful. But I could not possibly take another situation, without things being done which I have no right to ask for; and then come on, also, the long and hot summers. I feel faint when I think of them.

"P. S.—Two o'clock, court adjourned; Choate through on the law. B. R. Curtis replies to-morrow: then to the jury.[2]

"D. W."

[TO MR. BLATCHFORD.]

"In the Senate, *February* 5, 1849, Monday, Two o'clock.

"My dear Sir: . . . I have heard something this morning, upon *good authority*, which is gratifying. There is said to be a letter from General

[1] The farmer, the carpenter, and the fisherman, at Marshfield.

[2] Mr. Webster had come to Boston at this time for the purpose of taking part in the trial of an important patent cause.

Taylor, in which he says, in effect, this: 'The leading men of the Whig party agreed to nominate me for the presidency. I am chosen; and now these leading Whigs must divide with me the responsibility of appointing an able and satisfactory Cabinet.'

"There is no doubt, I believe, that he has written a letter containing, in substance, the foregoing sentiments; I hope it may be so, and that he will persevere.

"I cannot think what has become of Fletcher.

"Yours,

"Dan'l Webster.

"Mr. Blatchford."

[To Mr. Ketchum.]

"*February* 16, 1849.

"My dear Sir: I thank you for your letter. It let me into a sight of New-York Whig politics pretty fully. I think I see the lay of the land.

"I have no expectation of being consulted about these things or any of them, though my advice will be honestly given if wanted; yet it will not be obtruded in any case. I do not see that I am called on to interfere between good men, all being original Taylor men. I have very sincere regard, for instance, for Mr. Maxwell, and wish him all sorts of good fortune and happiness. But I think it is now plain enough that, if Mr. Maxwell, and those associated with him, had chosen to bring forward a Northern candidate, he would have been elected. The movement in New York settled the whole thing, as I supposed it would, at the time.

"The great embarrassment I should feel, if I had any official duty to perform in these cases, makes me most happy in the consciousness that no more duty is upon me, nor to be upon me. I am quite content to let others decide.

"Yours truly,

"D. Webster."

[To Mr. Blatchford.]

"In the Senate, *February* 16, 1849, Friday, Two o'clock.

"My dear Sir: I hear nothing from you since your excursion to Boston, but hope you are safe at home.

"I have been at home all the morning, trying to bring up my correspondence, and waiting for the sun to warm the air a little. The morning is exceedingly cold; the mercury, I believe, eight or nine above zero at sunrise.

"The ice, it would seem, is likely to keep General Taylor away from Pittsburg, and to delay his arrival here. I have no news, except that Mr. T. S. thinks it may be his duty, after all, to go into the Treasury; at least, so says the rumor of the hour.

"We are on the Diplomatic Bill, Washington Canal, etc. Nothing important.

"Yours,

"D. W."

The following, marked "private," was enclosed in the letter of February 16th to Mr. Blatchford:

"It is not General Taylor's present purpose to offer me a place in his Cabinet, but rather the contrary. It is possible that, after he comes here, he may alter his mind, but not probable; and I hope he will remain as he is.

"I could not accept the offer, if made; and, having come to a resolution on that subject, I think it due to you to settle your mind on it by a private and confidential letter. You know the *general* reason growing out of my own condition and circumstances, and the confining and irksome nature of the duties of the office which have weighed with me when we have conversed on the matter. There are one or two other *general* reasons to which I have not frequently adverted. The first of the *general* reasons is, that I cannot help feeling some apprehension as to what the real character of the Administration is to be. Many things look very well; but, on the other hand, there is some reason to fear that the *tone* of character called into the Cabinet will not be high. If appointments should run as some of the various speculations indicate, I should have little confidence of a useful or honorable result. All may come right; I hope it will; but I cannot but entertain some doubt. Another *general* reason is, that although I would not yield myself to any undue feelings of self-respect, yet it is certain that I am senior, in years, to General Taylor; that I have been thirty years in public civil life, and have had some few friends who have thought that, for the administration of civil and political affairs, my own qualifications entitled me to be considered a candidate for nomination for the office to which General Taylor has been chosen.

"Acquiescing, therefore, most cheerfully in the result of things which has flowed from honest and intelligent Whig counsels, and perfectly disposed to render all the aid in my power to the support of the new Whig Administration, I yet feel that I shall best consult my own dignity by declining to fill a subordinate place in the Executive Government.

"So much for general reasons. In addition to these there is one *peculiar* reason, growing out of my peculiar relations, and that of my friends, to General Taylor's election. In Massachusetts, New York, and other States, there will be candidates for office, who have been *my* friends, and who opposed General Taylor's nomination to the last.

"There will be other candidates for the same offices, who distinguished themselves as *early* and *zealous* friends of General Taylor's nomination, and who will naturally think themselves entitled to his regard. Cast your eyes over your own city, and you will see that questions of this kind, and several of them, must, in all probability, arise at once. And these ques-

tions would create a degree of embarrassment that I could not meet. I could not abandon my own friends; on the other hand, I could not act with any want of fidelity to General Taylor and his friends. It is clear, therefore, that my true position is a position of respect, friendship, and support of the incoming Administration; but not a position in which I should be called upon to take part in the distribution of its offices and patronage.

[TO MR. BLATCHFORD.]

"*February* 24, 1849, Saturday, One o'clock.

"Dear Sir: I have telegraphed you to say that I see no bad signs in the weather. Fletcher and I have called on General Taylor, but he does not see his friends to-day. He is fatigued, I believe, and probably feels some injury from his accident.

"He was heard to say yesterday, in the cars, that he had not settled any other Cabinet appointment, and should not till he had consulted friends. If he adheres to this, it will be well.

"There is a very small clique here, from Boston, urging Mr. —— for the Treasury, and looking for small offices by means of his expected influence. Some of them will be, and all of them ought to be, disappointed.

"I shall be glad when it is all over, and I can summon my thoughts back again to the barns and poultry-yards of Marshfield, and the plans for next year's farming.

"Mr. Jaudon took a bit of shad with us this morning.

"Yours always truly,

"D. W."

[TO MR. BLATCHFORD.]

"*February* 25, 1849, Sunday morning, Eight o'clock.

"My dear Sir: I passed half an hour last evening with General Taylor. He was pleasant and conversable enough, and by no means of such a harsh and stern countenance as the pictures represent him. Our conversation was general. He said nothing to me nor I to him of Cabinet appointments. He said, last night, that he had signified his purpose to decide nothing for two or three days.

"The last rumor gives Mr. Binney to the Treasury, and Mr. Lawrence to the Navy.

"All comes back to the original points. General Taylor means well, but he knows little of public affairs, and less of public men. He feels that he must rely on somebody; that he must have counsel, even in the appointment of his counsellors, and, regarding Mr. Crittenden as a fast personal friend, he feels safest in his hands. This, I think, is the present state of things. What may be the result I do not know, and it would be idle to conjecture. The various cliques, with their committees, are about him in force. Of course, they feel different ways. The main hope for a favorable

issue of things must be that, in this scrambling, he may lean to the judgment of his Secretary of State. You had better burn this letter.

"Yours truly,

"D. WEBSTER."

[TO MR. BLATCHFORD.]

"*February* 27, 1849, Tuesday, Three o'clock.

"DEAR SIR: I am overwhelmed with labor; obliged to study from five to eleven A. M.; be in court from eleven to three; and all the rest of the day in the Senate till ten o'clock.

"I learn nothing certain. I do not think the President has decided any thing; and I do not think Mr. —— will be placed in the Treasury.

"Yours,

"D. W."

The events transpiring in the Senate, during the period in which these letters were written, evince the nature of the conflict that had been produced by prosecuting the war to the conquest and acquisition of foreign territory; and while they show a great confusion of ideas respecting the mode in which these acquisitions ought to be or could be dealt with, they reveal the steady policy of some of the Southern Senators to secure in some way an acknowledgment of the right to carry into those regions the relation of master and slave, the willingness of some Northern Senators to give this acknowledgment, and the determination of others to withhold it. Mr. Webster, as I have already said, believed that these discussions were premature, and that the most expedient course, as well as the most consistent with the constitutional powers of Congress, was to give to these Territories a temporary military government, leaving their local laws in operation. But their local laws did not recognize the relation of slavery, as it was known in the Southern States of this Union; and consequently the representatives of that section desired something more. The struggle, therefore, which began at the commencement of the session, went on to its close. On the 11th of December, Mr. Douglas introduced a bill for making the whole territory acquired from Mexico at once a State in the Union. On the 13th, a petition was presented in the Senate, purporting to come from "the people of New Mexico, assembled in convention," praying Congress to establish a territorial government over them, and to exclude slavery from

that government. Mr. Calhoun pronounced the petition "insolent," saying that the inhabitants of New Mexico were under a conquest, and that the country belonged "not to Congress as a government, but to the States, the thirty States of the Union." On the 18th, Mr. Douglas's bill was referred to the Judiciary Committee. On the 19th, this committee reported against it, and in favor of creating territorial governments for New Mexico and California. On the 24th of January, Mr. Douglas offered a substitute, and procured its reference to a select committee. On the 29th, the select committee reported a new bill. On the 19th of February, Mr. Douglas endeavored to have his bill, for creating the whole of New Mexico and California into a State, taken up, but failed. The close of the session was thus drawing near, and nothing had been done in regard to providing any species of government for these newly-acquired Territories, into one of which immigration was rapidly pouring. In the mean time the annual appropriation bills had come into the Senate from the House of Representatives. On the 21st of February, Mr. Walker (of Wisconsin) moved an amendment to one of these bills, which finally, after several modifications, suggested chiefly by Southern Senators, took the shape of a proposition to "extend the Constitution of the United States" to all the territory acquired from Mexico, and also to extend to it certain revenue laws of the United States, the President being authorized to establish rules and regulations for this purpose. It was at this juncture, and on the 22d of February, that Mr. Webster introduced his bill for the temporary government of these Territories, which he prefaced with a few remarks:

"I beg to call the attention of the Senate for five minutes to a paper which I wish to lay on the table of the Senate. The Senate has been engaged now for some days in discussing the very important question of the present state and condition of the newly-acquired Territories of the United States, and the necessity of some provision immediately being made for the government of these Territories; and we have given some consideration to the kind of government it is expedient, bearing in mind the urgency of the case, and the approaching end of this session of Congress, to form for them.

"I have heard, sir, with respect and attention, the speeches of honorable Senators who have addressed the Senate on this important question

and I have read carefully the propositions which have been made in the form of proposed amendments to the bill now before the Senate. To these amendments there seem to be objections, arising as well from the manner in which the subject has been introduced, in the way of amendments to this bill, as from the character of the propositions themselves.

"I wish, sir, at as early a moment as may be convenient, to suggest in a precise form what appears to me to be the most expedient course to pursue at the present moment in regard to the Territories of California and New Mexico. If it be the opinion of the Senate that, considering the circumstances of the case, some provision for the government of these Territories may with propriety, or from necessity, be adopted in the civil and diplomatic appropriation bill, I shall offer the paper I hold in my hand as an amendment to that bill; but if the sentiment of the Senate shall be that any bill relating to California shall be considered as a separate measure, then this paper will suggest what, in my judgment, is the most practicable and reasonable course now to be adopted. I do not propose to prolong any discussion on this bill. My purpose is to have the paper which I hold in my hand printed. I ask that it may be read and printed, by way of amendment to the bill now before the Senate, or as a substitute for it."

The secretary read the paper, as follows, and it was ordered to be printed:

"That the President of the United States be, and he hereby is, authorized to hold possession of and occupy the Territories of California and New Mexico ceded by Mexico to the United States by the treaty of the 2d of February, 1848; and that he be authorized for that purpose, and in order to maintain the authority of the United States, and preserve peace and order in said Territories, to employ such parts of the army and navy of the United States as he may deem necessary.

"SECTION 2. *And be it further enacted*, That, until the expiration of the next session of Congress, unless Congress shall sooner provide for the Government of said Territories, the existing laws thereof shall be maintained and observed; and that the civil and judicial authorities, heretofore exercised in said Territories, shall be vested in, and exercised by, such person or persons as the President of the United States shall appoint and direct, to the end that the inhabitants of said Territories may be protected in the full and free enjoyment of their liberty, property, and religion: *Provided*, nevertheless, that martial law shall not be proclaimed or declared in said Territories, or either of them, nor any military court established or instituted, except ordinary courts-martial for the trial of persons belonging to the army and navy of the United States.

"SECTION 3. *And be it further enacted*, That the sum of ——— thousand dollars be, and the same hereby is, appropriated for the purpose of

carrying these provisions into effect, to be paid out of any moneys in the Treasury not otherwise appropriated."

On the next day (23d), in the course of the debate on Mr. Walker's proposition, Mr. Webster made the following remarks:

"The Senate and the country will bear me witness that I have had no hand in producing the present state of things connected with these Territories which we have acquired. I have opposed all wars leading to such acquisitions; and I have opposed all treaties accepting of such cessions of territory; and I do not ascribe to myself any considerable sagacity when I say that the state of things which exists to-day—brought about, perhaps, a little sooner by accidental circumstances than would otherwise have been the case—was as evident to me as the sun in heaven, ever since the notion prevailed of new acquisitions on the Southern border of the United States. It is, nevertheless, not my purpose to mingle in this discussion any thing of the past. There is enough to occupy our most serious thoughts in learning how to deal with the present; in learning how to deal with it as prudent, practical men, desiring to preserve peace in the country, desiring to give protection to all those who live under the Government of the United States. And, while I do not think it wise or prudent to dwell on the past, I do not think it wise either to attempt to look too far into the future. There are evils which threaten individuals, and there are evils which threaten communities, which sagacity and a long-reaching foresight may probably avert; but there are other evils, occasionally threatening individuals, and communities also, which are as likely, perhaps more likely, to find their remedy in the course of events than in the exercise of prescience or premonition; and this, in my judgment, is one of those cases. I think our practical duty, our duty as practical men, is to provide a government for those Territories, for the preservation of peace among the inhabitants, to give security to all well-disposed persons, and to repress the efforts of the ill-disposed; to give them a government such as we may, in the short period now before us, considering the great distance at which they are from us. And that single purpose has been all that I have contemplated in the proposition which I have laid before the Senate, and of which, at some convenient time, it was my purpose to ask further consideration. My idea is, that the government, for the present, must be substantially a military government; that we can hardly do more than keep the peace, and protect the lives and property of individuals, until we either admit the people, who are freemen, as a State into this Union, or give them a regular Territorial government. I think it should be limited to that one object—to keep the peace—without any attempt to administer revenue laws, or any other laws growing out of their political relations, because I do not think it practicable to do any such thing.

"In the case of Florida, to which attention has been drawn by the

Senator from New Jersey, there was a provision that the revenue laws should be applied to the Territory. That, I think, was in 1822, after the ratification of the treaty, but it all came to nothing. The President did authorize the collection of customs; he did appoint an officer in that collection district; but, so far as I understand, there never was a hundred dollars collected from customs in Florida until it had received a regular form of government; and it cannot be otherwise, while it is at the same time attended with considerable expense, inasmuch as you must have custom-houses, navy officers, appraisers, and a whole corps of official persons who will have nothing to do; because, how is it possible to establish or administer a system of revenue laws before there are any courts? Who is to seize vessels under the revenue laws? Who is to libel them? How are they to be tried? What is to become of the property? There can be no seizure by law, no adjudication by law—and that is all-important—until there is a regular Territorial government established. This must be obvious, I think, to everybody; and this is the objection, in my humble judgment, to the proposition of the Senator from New Jersey, which goes further than the proposition that I have submitted to the Senate. It will be expensive, it will be giving unnecessary power to the Executive government, and it will be useless. Since I had the honor of submitting my own thoughts upon this subject very briefly to the Senate a few days ago, the House has sent us a bill which purports to extend the revenue laws to the Territories.

"In my judgment, the true course to adopt, in the position of things as they are, is to arrest all amendments to this Appropriation Bill, affecting these Territories, which are offered here, since there is another measure before us much more appropriate for the consideration and deliberation of the Senate, much more suitable to the case upon which we wish to act, than this mode of proceeding by amendments to this bill. I shall, for one, vote against all amendments that are proposed to be introduced into this bill for the establishment of a government, or for any regulation whatever in regard to the Territories. But when this bill shall have been disposed of, if it be the pleasure of the Senate that the bill from the House be taken up, I shall propose to strike out all of the bill after the enacting clause, and insert the amendment which I laid before the Senate a few days ago. I have no particular right to exhort the Senate; I claim no authority to hasten its proceedings; but I think we are all imperiously called on to make what dispatch we can with this appropriation bill for the civil and diplomatic expenses of the Government. We all know what delays are continually occurring; we all see the reluctance that is manifested to-day by the great majority of the Senate to prolong the duration of our daily sittings. Should we not, then, proceed exclusively with the subjects appropriately belonging to this Appropriation Bill? There are many amendments to be proposed.

"There are some which I desire myself to propose; in doing which I shall not occupy five minutes, however, because the time of the Senate

is precious. I hope, therefore, that all these amendments regarding a government for California, which are proposed to be incorporated in the Civil and Diplomatic Bill, may be rejected, as a more appropriate occasion is just before us—a measure which will naturally give rise to a discussion of this subject being now upon our table—and one which will be taken up in its order. And, allow me to add, that I have avoided, and shall avoid, all discussion that is calculated to excite local or party feelings, or to disturb the progress of the Senate and the Government in making a proper present temporary provision for the government of California. Enough for this day—I will not say is the evil—but the duty thereof. Our duty is immediately, if we can, to give a practical and secure government to the people of California; and there, in my judgment, our present duty terminates. I have no idea that any remarks which I might feel disposed to make would be either gratifying or instructive to the Senate, and I shall, therefore, from a sense of duty, abstain from occupying further time in relation to this subject at present."

On the 24th, Mr. Walker's proposal, to "extend the Constitution of the United States" to these Territories, being still under consideration, a very important debate occurred between Mr. Webster and Mr. Calhoun, and other Senators, which I here transcribe:

Mr. Webster: "Mr. President, the honorable member from South Carolina, who has just taken his seat, says that he is prepared to say boldly that the Northern States have not observed, but have broken, the compromises of the Constitution."

Mr. Butler (in his seat): "I said it."

Mr. Webster: "Yes, Mr. President, he said so. It is no duty of mine to take up a glove that is thrown at the whole world; it is no duty of mine to accept a general challenge. But if the honorable member shall see fit to be so obliging as to inform the Senate, in my hearing, that the State, whose representative I stand here, has forborne to observe, or has broken the compromises of the Constitution, he will find in me a combatant on that occasion."

Mr. Butler rose to reply; but, as there appeared to be some misunderstanding as to his possession of the floor for that purpose, he resumed his seat.

Mr. Webster: "I would hear the gentleman with the greatest respect, a respect which I always feel for him; but, what I mean to say is, that if he is to reduce what seemed to be a general charge to a particular charge, and if he shall undertake to specify or particularize any case in which the Legislature of the State, whose representative I am, has forborne to observe, has broken, or attempted to break, the compromises of the Constitution, it will be my duty to meet the charge, and to defend the State, if I am able to do so. I do not intend to go into any such

debate on this matter at present; other States will answer for themselves. Mr. President, it is of importance that we should seek to have clear ideas and correct notions of the question which this amendment of the member from Wisconsin has presented to us; and, especially, that we should seek to get some conception of what is meant by the proposition, in a law, to 'extend the Constitution of the United States to the Territories.' Why, sir, the thing is utterly impossible. All the legislation in the world, in this general form, could not accomplish it. There is no clause for the operation of the legislative power in such a manner as that. The Constitution, what is it? We extend the Constitution of the United States by law to territory! What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the Legislature which it establishes, with not only a right to debate and a right to vote in both Houses of Congress, but a right to partake in the choice of the President and Vice-President? And can we by law extend these rights, or any of them, to a Territory of the United States? Everybody will see that it is altogether impracticable. Well, sir, the amendment goes on, and says that the revenue laws shall, as far as they are suitable, be applied in the Territories. Now, with respect to that qualification, made by the honorable member from Wisconsin, I should like to know if he understands it as I suppose he does. Does the expression, 'as far as suitable,' apply to the Constitution or the revenue laws, or both?

Mr. Walker: "It was not the proposition to extend the Constitution beyond the limits to which it was applicable.

Mr. Webster: "It comes to this, then, that the Constitution is to be extended as far as practicable; but how far that is, is to be decided by the President of the United States, and therefore he is to have absolute and despotic power. He is the judge of what is suitable and what is not suitable, and what he thinks is suitable is suitable, and what he thinks unsuitable is unsuitable. He is '*omnis in hoc*,' and what is this but to say, in general terms, that the President of the United States shall govern this Territory as he sees fit till Congress makes further provision? Now, if the gentleman will be kind enough to tell me what principle of the Constitution he supposes suitable, what discrimination he can draw between suitable and unsuitable, which he proposes to follow, I shall be instructed. Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States and over nothing else, and can extend over nothing else. It cannot be extended over any thing except over the old States, and the new States that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the *habeas corpus*, and every principle designed to protect personal liberty, are extended by force of the Constitution itself over every new Territory. That proposition

cannot be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said this must be so, else the right of the *habeas corpus* would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory. Sir, if the hopes of some gentlemen were realized, and Cuba were to become a possession of the United States by cession, does anybody suppose that the *habeas corpus* and the trial by jury would be established in it by the mere act of cession? Why more than election laws and the political franchises, or popular franchises? Sir, the whole authority of Congress on this subject is embraced in that very short provision that Congress shall have power to make all needful rules and regulations respecting the Territories of the United States. The word is Territory; for it is quite evident that the Constitution looked to no new acquisitions to form new Territories. But, as they have been acquired from time to time, new territories have been regarded as coming under that general provision for making rules for Territories. We have never had a Territory governed as the United States are governed. The legislature and the judiciary of Territories have always been established by a law of Congress. I do not say that, while we sit here to make laws for these Territories, we are not bound by every one of those great principles which are intended as general securities for public liberty. But they do not exist in Territories till introduced by the authority of Congress. These principles do not, *proprio vigore*, apply to any one of the Territories of the United States, because a Territory, while a Territory, does not become a part, and is no part of the United States."

Mr. Calhoun: "I rise, not to detain the Senate to any considerable extent, but to make a few remarks upon the proposition first advanced by the Senator from New Jersey, fully indorsed by the Senator from New Hampshire, and partly indorsed by the Senator from Massachusetts, that the Constitution of the United States does not extend to the Territories. That is the point. I am very happy, sir, to hear this proposition thus asserted, for it will have the effect of narrowing very greatly the controversy between the North and the South, as regards the slavery question in connection with the Territories. It is an implied admission, on the part of these gentlemen, that if the Constitution does extend to the Territories, the South will be protected in the enjoyment of its property—that it will be under the shield of the Constitution. You can put no other interpretation upon the proposition which the gentlemen have made, that the Constitution does not extend to the Territories. Then the simple question is, Does the Constitution extend to the Territories, or does it not extend to them? Why, the Constitution interprets itself. It pronounces itself to be the supreme law of the land."

Mr. Webster: "What land?"

Mr. Calhoun: "The land; the Territories of the United States are a part of the land. It is the supreme law, not within the limits of the States of this Union merely, but wherever our flag waves—wherever our authority

goes, the Constitution in part goes, not all its provisions certainly, but all its suitable provisions. Why, can we have any authority beyond the Constitution? I put the question solemnly to gentlemen: if the Constitution does not go there, how are we to have any authority or jurisdiction whatever? Is not Congress the creature of the Constitution? does it not hold its existence upon the tenure of the continuance of the Constitution? and would it not be annihilated upon the destruction of that instrument, and the consequent dissolution of this Confederacy? And shall we, the creature of the Constitution, pretend that we have any authority beyond the reach of the Constitution? Sir, we were told a few days since, that the courts of the United States had made a decision that the Constitution did not extend to the Territories without an act of Congress. I confess that I was incredulous, and I am still incredulous that any tribunal, pretending to have a knowledge of our system of government, as the courts of the United States ought to have, could have pronounced such a monstrous judgment. I am inclined to think that it is an error which has been unjustly attributed to them; but, if they have made such a decision as that, I for one say that it ought not to be, and never can be respected. The Territories belong to us; they are ours; that is to say, they are the property of the thirty States of the Union; and we, as the representatives of those thirty States, have the right to exercise all the authority and jurisdiction which ownership carries with it. Sir, there are some questions that do not admit of lengthened discussion. This is one of them. The mere statement is sufficient to carry conviction with it. And I am rejoiced to hear gentlemen acknowledge that, if the Constitution is there, we are under its shield. The South wants no higher ground to stand upon. The gentlemen have put us on high ground by the admission that their only means of putting their claims above ours is, to deny the existence of the Constitution in California and New Mexico. The Senator from Massachusetts, I say, in part, indorsed the proposition. He qualified it, however, by saying that all the fundamental principles of that instrument must be regarded as having application to the Territories. Now, is there a more fundamental principle than that the States of which this Federal Union is composed have a community of interest in all that belongs to the Union in its federative character? And that the territory of the United States belongs to the Union in that capacity, is declared by the Constitution, and that there shall be, in all respects, perfect equality among all the members of the Confederacy. There is no principle more distinctly set forth than that there shall be no discrimination in favor of one section over another, and that the Constitution shall have no half-way operation in regard to one portion of the Union, while it shall have full force and effect in regard to another portion. I will not dwell upon this. I will only listen, if gentlemen choose to go on, in order to discover by what ingenuity they can make out their case. It is a mere assumption to say that the Constitution does not extend to the Territories. Let the gentlemen prove their assumption. I hold the course of the whole of this

debate to be triumphant to us. We are placed upon higher ground; we have narrower questions to defend; and it will be understood by the community that we are nonsuited only by a denial of the existence of the Constitution in the Territories."

Mr. Webster: "The honorable Senator from South Carolina alludes to some decision of the United States courts as affirming that the Constitution of the United States does not extend to the Territories, and he says that, with regard to—"

Mr. Calhoun: "I hope the gentleman will state my position exactly right. I said I was told a few days since that they had so decided, but that I was incredulous of the fact."

Mr. Webster: "I can remove the gentleman's incredulity very easily, for I can assure him that the same thing has been decided by the United States courts over and over again for the last thirty years."

Mr. Calhoun: "I would be glad to hear the gentleman mention a case in which such a decision was given."

Mr. Webster: "Upon a few moments' consideration, I could mention a number of cases. The Constitution, as the gentleman contends, extends over the Territories. How does it get there? I am surprised to hear a gentleman so distinguished as a strict constructionist affirming that the Constitution of the United States extends to the Territories without showing us any clause in the Constitution in any way leading to that result; and to hear the gentleman maintaining that position, without showing us any way in which such a result could be inferred, increases surprise."

"One idea further upon this branch of the subject. The Constitution of the United States extending over the Territories, and no other law existing there! Why, I beg to know how any Government could proceed, without any other authority existing there than such as is created by the Constitution of the United States? Does the Constitution of the United States settle titles to land? Does it regulate the rights of property? Does it fix the relations of parent and child, guardian and ward? The Constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of laws which are to govern society to derive their existence from State enactments. That is the just view of the state of things under the Constitution. And a State or a Territory that has no law but such as it derives from the Constitution of the United States must be entirely without any State or Territorial government. The honorable Senator from South Carolina, conversant with the subject as he must be, from his long experience in different branches of the Government, must know that the Congress of the United States have established principles in regard to Territories that are utterly repugnant to the Constitution. The Constitution of the United States has provided for them an independent judiciary; for the judge of every court of the United States holds office upon the tenure of good behavior. Will the gentleman say that in any court established in the Territories the judge holds his office in that way? He holds it for a term of years, and is remov-

able at executive discretion. How did we govern Louisiana before it was a State? Did the writ of *habeas corpus* exist in Louisiana during its Territorial existence? Or the right to trial by jury? Who ever heard of trial by jury there before the law creating the Territorial government gave the right to trial by jury? No one. And I do not believe that there is any new light now to be thrown upon the history of the proceedings of this Government in relation to that matter. When new territory has been acquired it has always been subject to the laws of Congress, to such law as Congress thought proper to pass for its immediate government, for its government during its Territorial existence, during the preparatory state in which it was to remain until it was ready to come into the Union as one of the family of States.

"The honorable Senator from South Carolina argues that the Constitution declares itself to be the law of the land, and that therefore it must extend over the Territories. 'The land,' I take it, means the land over which the Constitution is established, or, in other words, it means the States united under the Constitution.

"But does not the gentleman at once see that that argument would prove a great deal too much? The Constitution no more says that the Constitution itself shall be the supreme law of the land, than it says that the laws of Congress shall be the supreme law of the land. It declares that the Constitution and the laws of Congress passed under it shall be the supreme law of the land."

Mr. Calhoun: "The laws of Congress made in pursuance of its provisions."

Mr. Webster: "Well, I suppose the revenue laws are made in pursuance of its provisions; but, according to the gentleman's reasoning, the Constitution extends over the Territories as supreme law, and no legislation on the subject is necessary. This would be tantamount to saying that, the moment territory is attached to the United States, all the laws of the United States as well as the Constitution of the United States become the governing rule of men's conduct, and of the rights of property, because they are declared to be the law of the land—the laws of Congress being the supreme law as well as the Constitution of the United States. Sir, this is a course of reasoning that cannot be maintained. The crown of England often makes conquest of territory. Who ever heard it contended that the Constitution of England, or the supreme power of Parliament, because it is the supreme law of the land, extended over the territory thus acquired, until made to do so by a special act of Parliament? The whole history of colonial conquests shows entirely the reverse. Until provision is made by act of Parliament for a civil government, the territory is held as a military acquisition. It is subject to the control of Parliament, and Parliament may make all laws that they deem proper and necessary to be made for its government; but, until such provision is made, the territory is not under the dominion of English law. And it is exactly upon the same principle that Territories coming to belong to the United States

by acquisition, or by cession, as we have no *jus coloniæ*, remain to be made subject to the operation of our supreme law by an enactment of Congress.'

Mr. Calhoun: "I shall be extremely brief in noticing the arguments of the honorable Senator from Massachusetts, and I trust decisive. His first objection is, as I understand it, that I show no authority by which the Constitution of the United States is extended to the Territories. How does Congress get any power over the Territories?"

Mr. Webster: "It is given in the Constitution in so many words; the power to make laws for the government of Territories."

Mr. Calhoun: "Well, then, the proposition that the Constitution does not extend to the Territories is false to that extent. How else does Congress obtain the legislative power over the Territories? And yet the honorable Senator says I assign no reason for it. I assigned the strongest reason. If the Constitution does not extend there, you have no right to legislate or do any act in reference to the Territories. Well, as to the next point. The honorable Senator states that he was surprised to hear from a strict constructionist the proposition that the Constitution extends itself to the Territories. I certainly never contended that the Constitution was of itself sufficient for the government of Territories without the intervention of legislative enactments. It requires human agency everywhere; it cannot extend itself within the limits of any State in the sense in which the gentleman speaks of it. It is, nevertheless, the supreme law, in obedience to which, and in conformity with which, all legislative enactments must be made. And the proposition that the Constitution of the United States extends to the Territories so far as it is applicable to them, is so clear a proposition that even the Senator from Massachusetts, with his profound talent, cannot disprove it. I will put the case of some of the negative provisions of the Constitution. 'Congress shall make no law concerning religion, nor create titles of nobility.' Can you establish titles of nobility in California? If not, if all the negative provisions extend to the Territories, why not the positive? I do not think it necessary to dwell any longer upon this point."

Mr. Webster: "The precise question is, whether a Territory, while it remains in a Territorial state, is a part of the United States? I maintain it is not. And there is no stronger proof of what has been the idea of the Government in this respect than that to which I have alluded, and which has drawn the honorable member's attention. Now, let us see how it stands. The judicial power of the United States is declared by the Constitution to be 'vested in one Supreme Court, and in such inferior courts as Congress shall from time to time ordain and establish.' The whole judicial power, therefore, of the United States is in these courts. And the Constitution declares that 'all the judges of these courts shall hold their office during good behavior.' Then the gentleman must admit that the legislation of Congress, heretofore, has not been altogether in error; that these Territorial courts do not constitute a part of the judicial power of the United States, because the whole judicial power of the United

States is to be vested in one Supreme Court, and in such inferior courts as Congress shall establish; and the judges of all these courts are to have a life tenure under the law; and we do not give such tenure, and never did, to the judges of these Territorial courts. That has gone on the presumption and true idea, I suppose, that the Territories are not even part of the United States, but are subject to their legislation. Well, where do we get this power of legislation? Why, I have already stated that the Constitution says, 'the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States;' and it is under that clause, and that clause only, that the legislation of Congress in respect to the Territories has been conducted. And, it is apparent, from our history, that no other provision was intended for Territorial government, inasmuch as it is highly probable, I think certain, that no acquisition of foreign territory was ever contemplated. And, again, there is another remarkable instance. The honorable gentleman, and his friends who act with him on these subjects, held that the power of internal improvement, within the United States, does not belong to Congress. They deny that we can pass any law for internal improvements within any State of this Union, while they all admit that, the moment we get out of the States into a Territory, we can make just as much improvement as we choose. There is not an honorable gentleman on that side of the Chamber who has not, time and again, voted money out of the public Treasury for internal improvements out of the Union, in Territories, under the conception that, under that provision of the Constitution to which I have referred, they do not constitute any portion of the Union; that they are not parts of the Union. Sir, there is no end to the illustrations that might be brought upon this subject; our history is full of them. Our history is uniform in its course. It began with the acquisition of Louisiana. It went on after Florida became a part of the Union. In all cases, under all circumstances, by every proceeding of Congress on the subject, and by all judicature on the subject, it has been held that Territories belonging to the United States were to be governed by a constitution of their own, framed by a convention, and, in approving that constitution, the legislation of Congress was not necessarily confined to those principles that bind it when it is exercised in passing laws for the United States itself. But, sir, I take leave of the subject."

Mr. Calhoun: "Mr. President, a few words. First, as to the judiciary. If Congress has decided the judiciary of the Territories to be part of the judiciary under the United States, Congress has decided wrong. It may be that it is a part of the judiciary of the United States, though I do not think so."

Mr. Webster (in his seat): "Nor I."

Mr. Calhoun: "Again, the honorable gentleman from Massachusetts says that the Territories are not a part of the United States; are not of the United States. I had supposed that all the Territories were a part of the United States. They are called so."

MR. WEBSTER (in his seat): "Never."

MR. CALHOUN: "At all events, they belong to the United States."

MR. WEBSTER (still in his seat): "That is another thing. The colonies of England belong to England, but they are not a part of England."

MR. CALHOUN: "Whatever belongs to the United States they have authority over, and England has authority over whatever belongs to her. We can have no authority over any thing that does not belong to the United States, I care not in what light it may be placed. But, sir, as to the other point raised by the Senator—internal improvements. The Senator says there is not a member on this side of the Chamber who has not voted to appropriate money out of the public Treasury for internal improvements in the Territories. I know that a very large portion of the gentlemen on this side have voted to appropriate money out of the public Treasury for improvements in Territories, upon the principle of ownership; that the lands in the Territories in which the improvements are made have an increased value in proportion to the sums appropriated; and the appropriations have, in every case, been given in alternate sections. But many gentlemen here have utterly denied our right to make them under that form. But that question comes under another category altogether. It comes under the category whether we have a right to appropriate funds out of the common Treasury at all for internal improvements. Sir, I repeat it, that the proposition that the Constitution of the United States extends to the Territories is so plain a one, and its opposite—I say it with all respect—is so absurd a one, that the strongest intellect cannot maintain it. And I repeat, that the gentlemen acknowledge, by implication, if not more than that, that the extension of the Constitution of the United States to the Territories would be a shield to the South upon the question in controversy between us and them. I hold it to be a most important concession. It narrows the ground of controversy between us. We then cannot be deprived of our equal participation in those Territories without being deprived of the advantages and rights which the Constitution gives us."

No measure relating to these Territories became a law at this session, excepting an act to extend the revenue laws of the United States over the Territory and waters of Upper California, and to create a collection district therein.[1] The mooted questions respecting the relation of the Constitution of the United States to territory of the United States not embraced in any State of the Union—whether by force of the Constitution itself the citizens of a slaveholding State could carry into such territory the relation of master and slave created by their own local law—whether, if this was to be denied, the denial would constitute a grievance to be resisted by the Southern

[1] Act of March 3, 1849.

States—were thrown forward into the next session of Congress. But the struggle had begun, and in a spirit that boded no good to the Union.

At the present term of the Supreme Court of the United States, Mr. Webster was engaged in the final argument of a constitutional question relating to the power of the States to impose a tax upon vessels bringing alien passengers, on account of every such passenger brought into the State.

The State laws were declared void by a majority of the judges.[1] This was the last constitutional question of great importance in the discussion of which Mr. Webster took part in the Supreme Court. The following letters relate to it:

[TO MR. BLATCHFORD.]

"*February* 3, 1849, Saturday, One o'clock. At Home.
"No Court and no Senate to-day. A clear, cold winter day.

"MY DEAR SIR: I was delighted to get a line from you this morning, although it bore date back as far as Wednesday. There is great interest here to hear the opinions of the judges on Tuesday. I wish you could be here. Several opinions will be read, drawn with the best abilities of the writers. In my poor judgment, the decision[2] will be more important to the country than any decision since that in the steamboat cause.[3] That was one of my earliest arguments of a constitutional question. This will probably be, and I am content it should be, the last.

"I am willing to confess to the vanity of thinking that my efforts in these two cases have done something toward explaining and upholding the just powers of the Government of the United States on the great subject of commerce. The last, though by far the most laborious and persevering, has been made under great discouragements and evil auspices. Whatever I may think of the ability of my argument, and I do not think highly of it, I yet feel pleasure in reflecting that I have held on and held out to the end. But no more of self-praise. We are all well. Mr. Curtis is here, going on grandly.

"Yours,
"DANIEL WEBSTER."

[TO MR. J. PRESCOTT HALL.]

"WASHINGTON, *February* 10, 1849.

"MY DEAR SIR: You will have learned that the case, '*Morris* vs. *the City of Boston*,' in the argument of which you took a part in December

[1] Reported in the seventh volume of Howard's Reports, 283, and called the Passenger Case.

[2] In the Passenger Tax Cause.

[3] The celebrated and important case of *Gibbons* vs. *Ogden*.

last, has been decided, the judgment of the State court reversed, and the State law declared to be repugnant to the Constitution of the United States, and void.

"A similar judgment has been entered in the New York case.

"The questions arising in these cases have been four times argued in the Supreme Court of the United States:

"In the New-York cause, in December, 1845, by Mr. Ogden and myself, for the plaintiffs in error, and by Mr. [John] Van Buren, then Attorney-General of New York, and by Mr. Willis Hall, ex-Attorney General, for the defendant in error.

"Two years afterward, that is to say, in December, 1847, the same cause was argued again by the same counsel.

"The Massachusetts case was argued in February, 1847, by Mr. Choate and myself for the plaintiff in error, and the Hon. John Davis for the defendant in error.

"And the same cause was heard again, as you know, in December last, on which occasion you took part in the discussion in behalf of the plaintiff in error, and Mr. Ashmun and Governor Davis for the defendant in error.

"These causes have been finally decided by the judgment of five judges against four.

"By recurring to the case of '*Milne* vs. *City of New York*,' in the eleventh volume of Mr. Peters's reports, you will see that not only Judge Story, but the late Chief-Justice Marshall, held State laws, passed for like purposes with these now declared unconstitutional and incapable of being sustained, to be equally unconstitutional, although they did not go the length of laying or imposing any tax whatever.

"As far, therefore, as authority is concerned, the weight of Chief-Justice Marshall's opinion, as well as that of Judge Story's, is to be added to the opinions of the five judges now concurring in the reversal. I need hardly say that the opinions read by the several judges were able and quite elaborate; they are long, and it will be some days before copies can be made. In the mean time Mr. Justice Wayne gave a summary of the points, which he understood were decided by a majority of the members of the bench. It has been published, and you have doubtless seen it. It may not be improper to add that Chief-Justice Taney, in delivering a dissenting opinion in the New-York case, while he maintained the power of the States to lay a tax on alien passengers, or passengers coming from other countries, admitted, nevertheless, that the New-York law must be regarded as clearly unconstitutional and void, so far as it purported to tax passengers coming to New York from other States.

"I am, my dear sir,

"With true regard, yours,

"Daniel Webster."

Mr. Webster was detained in Washington, by professional engagements, for six weeks after the termination of the session of Congress. In March he received intelligence of the death of a grandchild, the youngest daughter of Mrs. Appleton, and at the same time occurred the death of Mrs. Thomas.

[TO MR. S. A. APPLETON.]

"WASHINGTON, Sunday, *March* 18, 1849.

"MY DEAR SON: A telegraphic dispatch from Fletcher, on Friday morning, informed us of the death of dear little Constance.

"Our last accounts had been quite favorable; but I must say for myself that, from the first moment I heard of her sickness, I had a presentiment that, she would not recover. I felt that it was destined that she should immediately follow her mother.

'Bright, early, transient as the morning dew,
She sparkled, was exhaled, and went to heaven.'

"Not only on your account and that of your other children, but on our own, my dear son, this new bereavement affects Mrs. Webster and myself deeply. Every thing that is sweet, lovely, and engaging in infancy, belonged to the dear little lost one. But God has seen fit to call her away, and to leave us only a tender and affectionate recollection of her. I must confess that her death brings back to my heart that of her mother, and seems to open again that fountain of tears and sorrow. Never was a daughter loved more than I loved Julia, and never was a bereaved husband commiserated more than I have commiserated you. But you and I, and all, must submit to the will of God. We must bear these afflictions with resignation and patience, knowing that, like all other events, they are controlled and directed by unerring wisdom and goodness. What we know not now, we shall know hereafter. All is not dark and dreary in the soul, while the lamp of religious faith and hope continues to burn.

"You have yet four beloved ones around you to console and comfort you. Nearer and dearer to you than to me, I yet cherish them as precious blessings to myself, and as objects of affection on whom the heart still fondly leans, for happy family association, and kind endearments. In all these feelings of sympathy and love, Mrs. Webster, as you know, fully and entirely partakes. Wherever you and your children are, there our affections will be with you; and we hope that Heaven may still have bright days in store for us all.

"Mrs. Webster has been a little unwell for a day or two, but she is better this evening, and joins with me in the sincerest love and condolence to you and the children.

"Your affectionate father,

"DAN'L WEBSTER."

[TO MR. CHARLES H. THOMAS.]

"WASHINGTON, *March* 20, 1849.

"MY DEAR SIR: We were quite surprised by the receipt of your letter yesterday, informing us of the death of your mother.

"We knew that she had been feeble and complaining, but had not heard of her being taken violently ill. The aged and the young go off together. Your mother and poor little Constance died, I think, within a day of each other. Those who have the happiness to have friends, must be liable to the sorrows occasioned by their death; and the larger the circle, the more frequently must the blow come. Your mother seemed to us as one of our own family and our own household. You know how much we have been attached to her. Her solid principles and Christian spirit, her good sense and nice perception of propriety in all things, her benevolence and warm affection for her relatives and friends, made her an object of love and regard to all who knew her. It is a happy thing, my dear sir, that, when her children think of her, they have nothing to regret but her death. She had tasted the cup of human sorrow, but the cup of joy also had touched her lips. On the whole her life was a happy one, and a useful one. She has died in a good old age, and passed, I doubt not, to a better state of being. I pray you to accept my condolence and offer it to all the members of the family. Mr. Curtis is here; and he desires me to assure you how much he partakes in the feeling of loss, and how much he sympathizes with sorrowing children and friends.

"Yours always, faithfully and truly,

"DANIEL WEBSTER."

"P. S.—Mrs. W. is not quite well to-day; she has a bad cold, and some fever, and keeps her room. I sent this letter up to her, and she says it does not express half her feelings of sadness and sympathy on account of your mother's death. Your mother has been a part of Marshfield, you are aware, ever since Mrs. Webster knew it. She feels how very deeply you and your wife must be afflicted, and wishes to repeat her sympathy and heart-felt grief. It has indeed been a mournful year in our circle."

In the month of April, he made an excursion into Virginia, going down the James River as far as Norfolk. From two interesting letters of description, written to Mrs. Paige on this journey, and now embraced in his printed correspondence, I take the following extracts:

"If to-morrow were not Sunday, we should land and go to Mr. Tyler's, and pass the day. With no more approbation, of his public conduct, in the latter part of his administration, than other Whigs, I have yet softer personal feelings toward him. He always showed me great kindness, and especially I shall not forget the promptitude with which he came

to Washington, and put down effectually Mr. C. J. Ingersoll's attempt at defamation. Nor shall I cease to remember his concurrence in the tariff of 1842, or his steady and really able coöperation in, as well as his official sanction of, my own poor labors, in the Treaty of Washington. We send ashore a civil note to Mr. and Mrs. Tyler. Ere long we shall pass old Jamestown, the Plymouth Rock of the South.

"I hardly find an acquaintance here [Norfolk], except Mr. Tazewell, and Mr. Myers, a respectable merchant. Mr. Tazewell I knew well in the Senate. I suppose he is the ablest man in Virginia, certainly the most fluent and eloquent talker. Twenty years ago, he was one of the best-looking men in the country. He is now seventy-five years old, and quite retired. In half a year, he does not leave his own home, except to pass over the bay to his estate on the Eastern Shore.

"I called on him, with Mr. Seaton and Mr. Bradley, yesterday morning, after church, and had an excellent visit. And, to everybody's amazement, he came to see Mrs. Webster at the hotel, toward evening, and sat three hours talking finely, and laughing heartily, all the time. He and I have been personal friends a great while, though always differing on political matters. He endured me, notwithstanding my distaste of Virginia notions, and I admired him for his knowledge, his talents, his vivacity, and his infinite volubility of discourse.

"This morning we go to visit the navy yard; after that I give myself to receive calls from the citizens till two o'clock. At that hour we dine, and at four take the boat for Baltimore."

From Baltimore Mr. Webster went directly to Marshfield, where he remained during the month of May, completing the planting that had not already been done under his written directions, and in "catching" cod and halibut with "Commodore Peterson" and "Mr. Hatch." "I grow strong," he writes, "every hour. The giants grew strong again by touching the earth; the same effect is produced on me by touching the salt sea-shore." Of the farming operations he says:

"The work of the farm has gone on well. The spring, though very cold, has been dry, and the weather, therefore, favorable to field labor. Porter Wright has planted twelve or fifteen acres of potatoes in one field. They are 'Mercers,' 'pink-eyes,' and 'peach-blossoms,' and are intended for early market in Boston.

"Another piece of as many acres is receiving corn. By the ancient rules of husbandry in New England, corn should be planted by the 1st day of May, old style, which is on the 11th, by the new style.

"But this was arbitrary, and had no reference to the actual advancement of the warm weather. The Indian's rule was a better one; namely, to plant corn when the new leaf of the white oak has got to be as big as

a mouse's ear.' The field where the beets and turnips were last year, twenty acres, is laid down in clover. You remember it, on the left hand as you go down to the gate. The ploughed land inside the gate, on the right hand, is to rejoice in a crop of millet, and be put down to grass.

"Opposite, in the old orchard, two acres of pumpkins are to show what land we live in. I believe you were here in the early part of last autumn, when our hands were putting kelp on part of Fletcher's enclosure. Beets are to have the enjoyment of six acres of that, and a large kind of field-peas, sowed in drills, of the remainder.

"Cherry Hill, near the garden, will make a show of an acre or two of beans; and, if all human purposes shall be accomplished, the north side of Black Mount, facing the house, which you know has had the appearance of a dry and arid pasture, will be planted with turnips by the 1st day of July.

"The cattle have been well taken care of, and look well; the sheep especially. We have lambs, both South Downs and Cheviot, as fine as I have ever seen. In regard to the piggery, I omit particulars; the general state of things in that department is satisfactory. The progenitor of all the porkers, now eighteen years old, if not nineteen, still bristles up if you come near his habitation.

"Morrison's garden is quite up to the season, and is indeed all that the weather will permit it to be. Mr. Colt sent us in the fall hundreds of selected fruit-trees, which are all planted here, or at Fletcher's.

"And here you have, my dear sir, the progress of farming in Marshfield thus far this year, and a programme of what remains to be accomplished, time and circumstances permitting."

In June, Mr. Webster was obliged to be again in Washington on professional engagements, but during July he was again at Marshfield, and in August he made an excursion to the islands of Martha's Vineyard and Naushon, with the hope of mitigating the symptoms of his approaching catarrh. During the last week in August he was at Franklin, from whence he wrote to Mr. Blatchford:

"My cold was severe coming up in the cars, but since Monday evening I have hardly felt it. My eyes are weak, and I am obliged to avoid the sun; but, so far, I have suffered nothing in comparison with former years. This place looks charmingly. It is the delight of my eyes to behold. Some of the crops were short, but the rains have revived every thing, and this beautiful meadow before me seems the sweetest spot on earth, verdant and smiling as it is, and surrounded by high hills. It was the view of some such spot which Dr. Watts spiritualized—

'A little spot enclosed by grace
From out the world's wide wilderness.'"

[TO MR. BLATCHFORD.]

"MARSHFIELD, *September* 5, 1849.
"A quarter to Three, and just before Dinner.

"MY DEAR SIR: I read your letter of the 3d with very great interest and concern. Your own illness, and the apparently more severe illness of your daughter, have created great sympathy, which both Mrs. Webster and myself would gladly express. I have had a bitter taste of the affliction of daughters attacked by dangerous disease. My two, and my only two, have left me. One in early life, a sweet child of seven years old, and my first; and the other, as you know, recently, a lovely woman, and the head of a family. I fervently hope that all yours may live, and that you may not see your children go before you to another world.

"Saturday Morning, Five o'clock, *September 8th.*

"I wrote the foregoing on Wednesday. Thursday I had occasion to go early to Boston, and returned yesterday. The two days were hot and close, and I suffered a good deal, though I avoided the cars as much as I could, and went in my chaise, and by the boat. My cold goes on, not in its worst train, but with occasional severe turns. Last evening I received yours of the 4th, namely, Tuesday. Its best information is that which speaks of your dear little daughter's progressive restoration to health.

"In Boston, I saw Mr. and Mrs. Edward Curtis on their return from the White Hills.

"They seem highly pleased with the mountain scenery in that quarter as well they may be.

"Fletcher will return, I suppose, on Monday, and make report of Seconet.

"There are no fish in our bay. I have a world of talk when I see you, on the phenomena of the season by sea and land. I understand the fish die by thousands and hundreds of thousands in the Chesapeake and the rivers of Maryland, and are washed on shore. The weather has been excellent for a fortnight. Marshfield looks green, and the later crops, beets, turnips, etc., are quite promising.

"I shall write you as usual, and hope to hear daily from you till we meet again.

"Yours truly,

"DANIEL WEBSTER."

[TO MR. BLATCHFORD.]

"MARSHFIELD, *October* 25, 1849, Tuesday Evening, Eight o'clock.

"MY DEAR SIR: A very short note from you of yesterday revives me, and calls me back to a correspondence which has been dormant for an unusually long time. I hardly know how it is that I should have suffered the tares of the world so much to spring up, and choke the true seed of social and friendly life. I have been very busy for a month, and yet, when I look back upon it, it seems but a 'strenuous idleness.' I have done

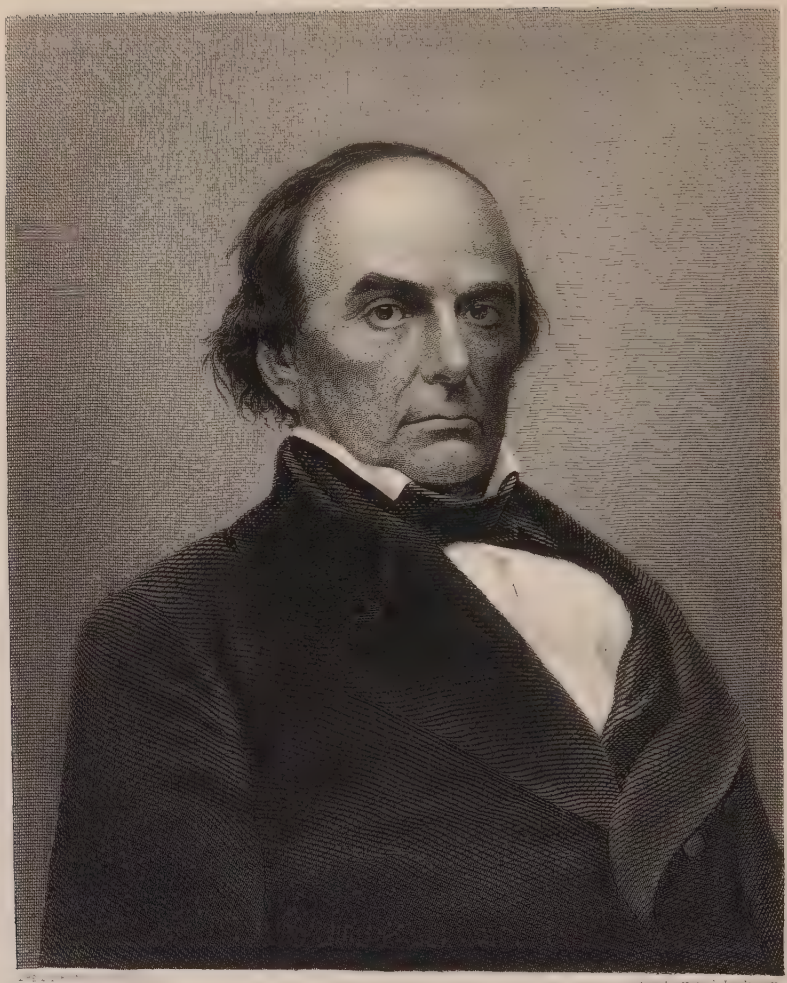
nothing. This week I am engaged with Mr. Edward Curtis and Mr. Coxe, on Mexican claims. They are both now here. Mr. Coxe has been to sea to-day, and caught a fish. Mr. Curtis and I have given the day to work in the office. Last week we went on a visit of two days to Mr. Haven at Beverly, after Mr. Colt left us.[1] He was with us, to our great gratification, for nearly a week. Marshfield is green and beautiful. It has seen no such October since I knew it. But autumn is here. Harvesting is in progress, the leaves are fading, and the year prepares for its closing scenes. I shall hardly be here much after next week. Caroline says you will be in Boston next Tuesday morning. Nothing happening, I will be there to receive you. Perhaps we will run down to Marshfield, for a day, to take the last look.

"Among my present occupations, one is the arrangement of a cemetery for my family. I do not find it disagreeable to dwell on thoughts connected with the end of life, and the gathering together those I have loved, and with whom I must, in God's due time, be associated again.

"I am, dear sir, with unabated regard and kindness, your friend,

"Daniel Webster."

[1] Mr. Roswell Colt, of Paterson.



Daniel Webster

# CHAPTER XXXVI.

## 1849–1850.

SECTIONAL CONFLICT OF 1850—ITS CHARACTER AND CAUSES—NORTHERN AND SOUTHERN FANATICISM ON THE SUBJECT OF SLAVERY—ERRORS OF BOTH SECTIONS—THE PECULIAR PERILS OF THIS ERA—NATURE OF THE CRISIS—PRESIDENT TAYLOR'S PLAN FOR AVOIDING A SECTIONAL COLLISION—INTERVIEW BETWEEN MR. CLAY AND MR. WEBSTER—MR. CLAY'S "COMPROMISE RESOLUTIONS"—MR. WEBSTER'S SPEECH OF THE 7TH OF MARCH—ITS RECEPTION AT THE NORTH—HIS MOTIVES AND POSITIONS ASSAILED—HIS TRUE VINDICATION—CONTROVERSIES AND CRITICISMS—HOW HE WAS RECEIVED IN BOSTON—HIS EFFORTS TO CARRY THE "COMPROMISE MEASURES"—DEATH OF PRESIDENT TAYLOR—MR. WEBSTER BECOMES SECRETARY OF STATE UNDER PRESIDENT FILLMORE—PASSAGE OF THE "COMPROMISE MEASURES"—STATE OF PUBLIC OPINION IN THE NORTH, AND EXERTIONS TO CORRECT IT—THE LOPEZ EXPEDITION TO CUBA—DUTIES OF NEUTRALITY.

THE public events which had occurred during the period commencing with the acquisition of Texas, and ending with the close of the Mexican War, account for the fact that the year 1850 was to witness a great sectional conflict on the subject of slavery, which was not unlikely to rend the Union asunder. Viewed in the relation in which the Constitution regarded the so-called "institution" of slavery, there was nothing connected with it which ought to have produced any serious hazard to the peace and harmony of the country; for, so long as the spirit and intent of the Constitution should

continue to be faithfully observed by the two great sections of the slaveholding and the non-slaveholding States, there could be no rational cause for anxiety to either of them.

The duty which a just regard for the Constitution imposed upon the South was, to refrain from efforts to increase its national political power in the interests of servitude; for such efforts could not be made without exciting angry opposition in the North. The correlative duty that rested upon the North was, to fulfil, exactly and literally, the stipulations by which the Constitution always intended to guard the individual rights of the master where the Constitution had recognized those rights as lawfully existing, and to refrain from all interference with a social relation which was under the exclusive control of a local sovereignty, whose independence, in this regard, was fully promised by the fundamental law of the land.

But these duties, plain and imperative as they were, were obscured to great numbers of people in the two sections, by the influence which their several acts and exertions produced upon each other.

It was easy for a Northern man to see that the slaveholding States ought to be content with the guaranties of the Constitution, and ought to refrain from seeking new defences for slavery by increasing its political power; but the same man did not see how his own denunciation of this peculiar social relation operated to lead the Southern people in quest of further sectional power as a means of defending themselves against unwarrantable interference. On the other hand, it was quite natural for a Southern slaveholder to perceive, with great distinctness, that the Constitution had secured to him a personal right of extradition of his fugitive slave, and to be indignant at any failure to comply with this obligation; but he did not see so clearly that, in insisting on extending the area of a social relation, elsewhere regarded as odious and morally wrong, he was only increasing a feeling at the North that found its expression in State laws which obstructed the exercise of his constitutional right, and at the same time fomented a popular spirit which practically denied its existence.

The relation of Mr. Webster to this whole subject cannot

be understood without attending to the fact that he considered the preservation of the political system, established by the Constitution of the United States, as paramount to every other political consideration. He knew that there could not be an attempted dissolution of the Union without a civil war; and he knew that a civil war, turning on the question whether the United States should be divided into separate nations, would not leave the political institutions of his country in all respects as it should find them. His conservatism, therefore, was the conservatism which foresees how a wrong done, or a duty neglected, on the one side or the other, may produce a state of things in which the voice of reason is hushed in a conflict of the passions; in which remedies will be sought that cannot be permitted either by the institutions of the country or by its national welfare; and out of which there is but one issue, in the conflicts and desolations of civil war, which never has occurred, or can occur, in a country of free, yet fixed political institutions, without changing them in spirit or in form, or in both. Hence, from the very origin of all the dangers to the Union which sprang, in his day, from what was done, or attempted, on this subject of slavery, he was equally prompt and firm in resisting all measures that tended to make it a matter of sectional political controversy. Down to the period at which we are now arrived, the measures which he had been called to oppose, and the tendencies, whose fatal consequences he had early pointed out, had been nearly all in the interest of that extension of slavery, which was to be deprecated because of its disregard of the real intention of the original constitutional arrangement, and because of its effect in aggravating the Northern sentiment on the subject of such an institution. Connected also with this effort, and with the general aspects of the whole subject, he had found it necessary to put himself in an attitude of resistance to the same Southern interest, when it caused a denial of the *right* of Northern citizens to be heard in Congress in relation to slavery in the District of Columbia. In all this, he had thus far been obliged to resist extreme Southern measures and extreme Southern views. As a public man, and as a Senator of the United States, however he might disapprove of the Northern popular agitation which was preparing the

way for more or less of direct aggression on the Southern constitutional rights, he could not deal with it; for it had, while he was a member of the Senate, taken no form of public action which appeared to call for his remonstrance or rebuke.

Mr. Webster was therefore generally regarded in the North, down to the present period, as a statesman who, in all sectional conflicts on this subject, would necessarily be found on the Northern side. Governed chiefly by feeling in regard to the moral and social aspects of slavery, on which they knew that Mr. Webster, individually, held many of their sentiments, and looking, in his political conduct, chiefly to the fact that he had resisted measures which were in the sectional interest of the South, many persons in the North expected and required him to be their champion through the entire contest, and to make himself the representative of Northern views in the whole controversy, whatever might be its merits, or whatever turn it might take, because the North was the section of the Union which he officially represented in the Senate. Many such representatives the Northern feeling found in the public men of that time. But it could not find such a one in Mr. Webster. He was a man too great in his political courage, and too comprehensive in his patriotism, to speak in terms of disapprobation and rebuke to one section only of the Union, when there were causes which threatened its peace and security, for which both sections were responsible. He stood, intellectually and morally, at an elevation from which he could see *all* the wrongs that were done on either side; and since his great object had been, from the first, so to counsel and influence the people of this country, of all sections, as to prevent them from incurring the hazards and suffering the consequences of disunion and civil war, it was impossible for him, in any conjuncture, to be wanting to this grand duty of his life, and this solemn fidelity to his own character and fame. Events were now rapidly evolving, which made it necessary for him to step forth, and perform the last of the series of great acts which had for their object the preservation of our internal peace, and the safety of our political institutions. These events, therefore, must now be recapitulated.

In 1846, before the declaration of war by the United States

against Mexico was known in California, the people of that province had overthrown the Mexican provincial government, and declared themselves independent. But, when the news arrived at San Francisco that war existed between the United States and Mexico, the flag of the United States was substituted for that of the independent local government, and the forces of the United States took possession of the country. A large immigration flowed in, stimulated chiefly by great discoveries of gold; and, as we have already seen, after peace was established, it became the duty of Congress to provide some kind of government for the new territorial acquisition. This duty, we have also seen, failed to be performed, and had not been performed, when the Administration of General Taylor commenced in the spring of 1849. Impatient, under their neglected condition, the inhabitants of California assembled in convention, in the course of the summer of 1849, formed themselves into a State, and adopted a State constitution, which contained an express prohibition of slavery or involuntary servitude. This result was unexpected; for, until the character of the immigration had decided the question in this way, it was supposed that, unless prevented by the interference of Congress—which thus far had not taken place—California would become a slaveholding State. When, therefore, at the session of Congress, commencing in December, 1849, her Senators and Representatives presented themselves for admission into the Union with what was called a "free" constitution, some disappointment was to be encountered, arising from the expectations which the purpose and prosecution of the Mexican War had excited in the South. The same disappointment was felt concerning New Mexico, which turned out to be a country unfitted to receive, and to make a profitable use of, the slave-labor existing in the Southern States of this Union. This attitude of things, in relation to these new regions, was the general cause which brought the whole subject of slavery into fresh discussion in Congress, in the year 1850.

But there were other causes which likewise precipitated this discussion, and tended in their turn to increase the Southern resistance to the admission of California as a free State. The Northern agitation in regard to slavery, which had been going

on since the year 1836, had at length resulted in public acts which were calculated to prevent the execution of that part of the Constitution which required the extradition of fugitive slaves, and occasioned a decided popular resistance, in many quarters, to the fulfilment of that obligation. In 1843, the Legislature of Massachusetts enacted a law, making it penal in her officers and magistrates to perform any duties under the Act of Congress of 1793, for the surrender of fugitives from service. Although, in point of strict constitutional right, it was competent for a State to prevent her magistrates from acting under a law of the United States, this legislation was, of course, regarded in the South as unfriendly, and it certainly evinced no disposition to comply with either the letter or the spirit of the Constitution of the United States.[1] Similar laws had been passed by other Northern States; and from the year 1843 to the year 1850 it is undoubtedly true that the legal machinery for executing that clause of the Constitution which required the extradition of fugitives from service was defective, and the right of the master was become practically inoperative.

On the other hand, Massachusetts, and other Northern States engaged in maritime commerce, had their special grievance to allege against a law of South Carolina, which, as a matter of police regulation, required all colored seamen, coming into her ports from other States, to be taken out of their vessels, and to be detained in custody until the vessel was ready to depart. This requirement was regarded in the North not only as unfriendly, but as a violation of the right of citizens of any State to enter and to remain, unmolested, in any other State, at least for a temporary purpose of business.

But these grievances, on the one side and on the other, might have continued to be subjects of agitation out of Congress, without serious danger to the peace of the Union. They were not, however, and, in the state of things existing at the commencement of the session in December, 1849, they could not be, kept from the discussions of that body.

But to those who seek a just comprehension of Mr. Webster's course at this momentous crisis, it is necessary not only to

[1] See the letter of Mr. Webster, *post*, under date of June 1st, 1850, for the suggestion of a special motive for passing this law.

recall the public acts already adverted to, but to describe the state of opinion and feeling from which those acts had sprung. In the Northern portion of the Union, opposition to the further extension of slavery was no new sentiment; but, in the course of the twenty or thirty years preceding the year 1850, certain peculiar opinions had come to be widely prevalent, which were both new and revolutionary in their tendencies.

The subject of slavery, as Mr. Webster pointed out in 1837, had arrested the religious feelings, and taken a strong hold on the consciences of men. When he thus warned the country of this very important fact, he at the same time expressed the opinion, which was then undoubtedly true, that the feeling to which he referred was still willing to fulfil all existing public engagements and duties, and to defend the Constitution as it had been established, with whatever regrets about some provisions which it actually contained. But it not infrequently happens, when the religious sentiment is touched and brought to bear upon political relations, that the dictates of conscience produce a state of opinion and argument in regard to civil obligations which finally threatens to subvert the foundations of civil obedience. This was what happened now, with respect to that provision of the Constitution of the United States which required the surrender of fugitives from service escaping into a State whose local law did not recognize the relation of servitude. The religious feeling in regard to the inherent wrong of slavery sought for some means of evading this obligation, because the conscience, having reasoned itself into a belief that the obligation was an immoral one, could not remain at rest under its performance. What was sought for by the religious and conscientious masses was supplied by the politician, who is never inattentive to the workings of the religious sentiment in politics, and never unwilling to serve and to gratify it. A public leader, who can make a political theory which will assist a religious sentiment in reaching its object, will not fail to be regarded by those who can bestow place and power.

As an original question, it might have been doubted whether the Constitution intended that the duty of providing for the extradition of fugitives from service should devolve on Congress,

or should rather be discharged by the States themselves. But in 1793 Congress legislated expressly for the execution of this important provision; and it had ever since been considered, as it was then concluded by the generation who established the Constitution, that while the States, in their separate capacities, might rightfully make laws within their own limits to aid the master in recovering his fugitive slave, it belonged to Congress to make, of its own authority, such laws as it might deem necessary for this purpose, to operate alike throughout the Union. This view of the subject continued to be regarded as the correct one, down to the time when the State of Pennsylvania actually undertook to punish the act of removal of a fugitive slave, which the Constitution of the United States had secured.

This brought the whole subject, in the year 1842, before the Supreme Court of the United States. It was then decided that the Constitution had conferred on Congress an exclusive power to legislate concerning the extradition of fugitive slaves; that the law enacted by Congress for this purpose in 1793 was constitutional and valid; and that a State law which obstructed the exercise of this right was void.

In this attitude of the subject, the religious sentiment, which had become more and more excited, found its first public expression in the State laws, already referred to, which prohibited the State magistrates from rendering any service under the Act of Congress of 1793, whose machinery of extradition involved and required the aid of such State magistrates, as well as that of the judicial officers of the United States. To find a justification for refusing to allow the State officers to execute the existing Act of Congress, in a matter involving the personal rights of citizens of another State, explicitly secured by the national Constitution, a theory was resorted to which embraced a religious and a political element intermingled.

It was said that the surrender of a fugitive slave to his master is an immoral act, and is one contrary to the Divine law; and that such was now the conscientious conviction of a majority of the people of the States which had passed these laws. This was the religious view of the subject, which was assigned to account for the unwillingness of the people of a free

State to do any thing actively for the performance of a stipulation which they declared to be immoral. Still, some kind of a political theory was wanting to justify this resort to a religious sentiment, which regarded as immoral the performance of an act authorized and required by the supreme law of the land. The political theory was furnished by the politicians, in aid of the religious teachers.

It was therefore said that the provision of the Constitution addressed itself to the States; that it was a "compact" between the States as separate and independent communities; and that, if one of the parties to an international compact comes to regard the stipulated act as immoral or contrary to its public policy, it may rightfully withdraw from its performance, and leave the other party to such remedy as that other party can find. It is true that this doctrine brought its advocates into conflict with the decision of the Supreme Court of the United States—the acknowledged interpreter of the Constitution—which had declared that this particular clause of that instrument was not a mere compact between independent States, but that it was the establishment, by the fundamental law of the land, of a personal civil right, which could be, and needed to be, enforced by appropriate legislation. Still, as the rightful source of that legislation was held to be Congress, all that could be said of the State laws which prohibited their magistrates from acting under the law of Congress was, that they were unfriendly toward the slaveholding States and their citizens, and that the kind of religious justification by which they were defended was of dangerous import, because it could be equally resorted to as a reason for opposing or obstructing the same act, when it was to be done by an officer deriving his appointment and functions from the laws of the United States.

Accordingly, this predicted tendency of the popular theory turned out to be true; for when, at this session of Congress, it was introduced into the Senate of the United States by public men who foresaw the recasting of political parties which the subject of slavery was not unlikely to produce, it was pushed to an extent that made it a justification for refusing even the aid of congressional legislation for the extradition of fugitive slaves. It was contended, in the Senate, that the extradition clause of

the Constitution contained only a "compact," which rested for its execution on the States; that the slave States had, in violation of the compact, obtained legislation by Congress, and that the Supreme Court had wrongfully decided such legislation to be constitutionally valid. This, it was claimed, was a perversion of the compact, by the procurement of the slave States, and that they could no longer call on the free States, *ex gratia*, to reassume the obligations from which they had caused those States to be discharged. It was further said that the compact itself was an immoral one; that all human constitutions, compacts, and codes must be brought, in respect to their performance, to the standard of the law of God, by which they must stand or fall; that the law of God forbids the surrender of a fugitive slave, and that, for this reason, all compacts and laws, State or national, designed to enforce such surrender, are unjust, unconstitutional, and immoral. When it was urged that, even upon the construction which claimed the Constitution to be a mere compact between independent States, the compact had been broken, two answers were given: one, that, if the compact was broken, there was no remedy; the other, that the thing required to be done was a violation of the Divine law. According to this theory, therefore, whether the legislation, by which the extradition was to be effected, proceeded from Congress or from the States, the Constitution was not to be executed in this particular, and individual Senators and Representatives in Congress, as well as their States, were absolved from all civil obligation in the premises, because, in their opinion, the law, or the compact, stood opposed to the law of God. This state of opinion and argument, which not only existed to a large extent in the free States, but which found advocates in the Senate of the United States, should be carefully noted by the reader for two reasons: first, because it was one of the controlling facts which made it necessary for Mr. Webster to speak and to act on the subject of slavery as he did speak and act at this session of 1850; secondly, because he well knew that these doctrines were sowing the seeds of distrust, in regard to the fidelity of one part of the country to its constitutional obligations, in the breasts of the people of another part of it; and that such doctrines were acting with great force to provoke

counter-efforts to strengthen, perpetuate, and extend the political power of the slaveholding section.

This brings us, therefore, to the peculiar state of opinion and feeling existing at this time in the opposite section of the Union. In proportion as the sentiment that slaveholding is a sin, as well as a political and social evil, had grown in the Northern States, it had come to be regarded in the South as the natural and fit relation of the African race to the European races, when they are brought in contact in the same community, and to be capable of justification on religious grounds. The people of the Southern States, influenced by the Northern denunciations of slavery, naturally sought for it a religious sanction. In legal phrase, they "joined issue" on the religious question. They were, in general, a religious people, and they had long been accustomed to regard themselves as standing in a relation to the African race which involved duties that are referable to the precepts of Christianity, as well as to the dictates of self-interest. The best and highest of their men and women had ever given as much evidence of their regard for the teachings of the Gospel, in their treatment of their slaves, as they had of regard for the dictates of their own pecuniary interest; and there should be no rational doubt, in history, that, as communities, they were as religious, and as much given to religious feeling, speculation, reflection, and practice, as the communities of the free States. When, therefore, they felt themselves obliged to cast about for defences of slavery, it is not surprising that they should have sought, and that they should have found for it, what seemed to them a religious sanction. The slaves were among them, and emancipation was, or seemed to them, an insoluble problem. They did not regard the relation as out of, but they did regard it as within, the domain of religion, at least for the regulation of the duties which it called for. How easy, then, it was for them, to find it to be not only a social good, but a Divine appointment, especially when they were denounced as guilty of sin by those who knew little of their situation, their feelings, or their efforts to do the duty which God in His providence had cast upon them. There is nothing in human institutions or laws for which a people will not be able to find what they believe to be a sanc-

tion in the Word of God, when they are thus situated; and, in proportion as they are assailed, and as they are accustomed to act from religious and conscientious convictions, these convictions will rise to fanaticism.

That there came to be a religious fanaticism on this subject of slavery in the South, as well as in the North, is a fact which no well-informed person will now or hereafter deny. The Southern opinion on this subject, grounded in its own expositions of Scripture, and in its own interpretations of Divine Providence, sought for political theories and public measures that would give effect to its views, and protect Southern society against the reproaches and the aggressions of the North. Here, then, was a religious sentiment quite as strong as that in the North, acting in like manner until it amounted to fanaticism; acting, too, upon equally false principles concerning the limits of political duty, as affected by our opinions of religious truth; and seeking, from equally conscientious motives, to extend the area of an institution which it believed to be right, in disregard of the interests, the feelings, and the just political expectations of the people of the non-slaveholding section.

This great fact, too, of the light in which slavery had come to be regarded by the people of the South, is a very important key to Mr. Webster's conduct in 1850, in respect to the new Territories then to be brought into the Union. He knew it to be of the utmost importance that nothing should be done by Congress, or occur in its legislation, that would have a tendency to deepen and perpetuate the hold which slavery had taken on the religious feeling of the Southern people. He was well aware that any unnecessary stigma would certainly have this effect; that a high-spirited people, who had come to regard slavery as not only a social and political advantage, but as justifiable in a religious light, would be capable of any efforts in its defence; and that the gradual emancipation of the African race, which all reason, policy, and philanthropy, rendered the most desirable result, must be frustrated by any course that seemed to force the opinions of the people of the North upon the people of the South through the action of Congress. Hence, while in any case of necessity he would have prevented the further increase of the area of slavery in national territory by a

congressional prohibition, he determined that, without a practical necessity for it, he would not inflict the reproach which such legislation would imply—a reproach that could have no effect but to strengthen the Southern feeling that slavery was right in every political, moral, and religious sense.

These opposite conditions of public sentiment in the North and the South were the very results which Mr. Webster foresaw must follow from any public measures which should involve and require a discussion of this subject in Congress. The reader, therefore, who has now seen the people of the United States divided, practically, into two geographical parties, holding with great tenacity the most conflicting opinions in regard to the slavery of the African race, in its political, moral, and social aspects, can understand, if he never has understood it before, why Mr. Webster, from the first mention of the idea of annexing Texas to the United States, in 1836–'37, was disturbed by a great anxiety that never left him while he lived.

But the dangers of this period were not confined to these general aspects of the subject of slavery. When the vast region, geographically known as Texas, became annexed to the United States, its western and northern boundaries were entirely undefined. Those boundaries had not been settled when Texas became independent of Mexico; and when, as one of the results of the war between Mexico and the United States, the country known as New Mexico became the property of the United States, it was and remained a disputed question where the western limits of Texas ended and where the eastern limits of New Mexico began. The people of Texas claimed the whole of the great region west and north of the river Nueces quite out to the Rio Grande; the people of New Mexico resisted this claim. By the resolutions annexing Texas to the United States, Texas had a right to regard as future slave territory all that lay south of the parallel of 36° 30′. About one-third of the disputed territory lay north of the parallel; and, from this portion, if it belonged to Texas, slavery was excluded by the same resolutions of annexation; so that the remaining two-thirds could become slaveholding, if the western boundary of Texas were fixed at the Rio Grande. Thus, to the question of the limits of Texas, and the settlement of her boundary, the slavery question, with

all its troubles and difficulties, was added, meeting Congress at every step it might take, and furnishing a motive to one section to contract and to the other to enlarge the limits of that State. And even when those limits should be settled, and the eastern boundary of New Mexico should be ascertained, there would still be the question whether the restriction, known as the "Wilmot Proviso," ought to be applied to that Territory, or whether she could be left under the operation of the Mexican law, which had put an end to slavery in all the Mexican dominions.

The condition of the Union at this time, in consequence of the state of feeling arising out of these questions, is apparent from the fact that the House of Representatives was not organized until the end of nearly three weeks of contest from the commencement of the session; the choice of a Speaker, and even of its door-keeper, turning upon these sectional divisions.

The President, in his annual message (December 24, 1849), recommended to Congress to admit California as a State, and to leave the other Territories as they were until they had formed themselves into States, and applied for admission into the Union in that capacity. This was the President's plan for avoiding the discussion of topics of a sectional character, which were likely to lead to sectional divisions.

But the plan was an impracticable one. In the first place, the peace could not be kept between the people of Texas and the people of New Mexico, or between the United States and the State of Texas, if the latter were to be left to assert her boundaries where she pleased. In the next place, the state of feeling in the two opposite sections of the Union had mounted to a high point of excitement, and was rising still higher. In the North, there was a strong determination to enforce what was called the "Wilmot Proviso," and, in the South, there was an equally strong disposition to resent this as an indignity and an aggression that would justify a rupture of the Union.

These feelings, into which the spirit of party, as well as the spirit of section, was strongly infused, increased in intensity with every discussion of the subject; so that, by the end of January, there were, to use the words of Mr. Clay, "in the legislative bodies of the capital and of the States twenty odd

furnaces in full blast, emitting heat, passion, and intemperance, and diffusing them throughout the whole extent of this broad land."[1]

The effect was an almost total suspension of business in Congress, except that which in some way involved the subject of slavery; and, in regard to this, there seemed to be no measure affecting the admission of California as a State, and the organization of the Territories, that could command the assent of a majority of the two Houses. In this perilous condition of public affairs, Mr. Clay determined to make an effort to put an end to the strife, and to secure the peace of the Union, by a system of measures that would dispose of these dangerous controversies.

He was now past the age of seventy-two, and in a very infirm state of health. But, although his frame was racked by a cruel cough, and his sands of life were running out, his great intellect was entirely unimpaired, his spirit was as firm and his will as unconquerable as they had ever been; while his natural ardor was tempered by the magnitude of the crisis, and by the consciousness that this was to be the last important public service he could ever perform. He addressed himself to the task before him with that powerful grasp of a difficult and complicated subject, which was one of his strongest characteristics. In comprehensive power, and in the adjustment of the numerous details requisite for the formation of a plan of composing national difficulties, I know of nothing in our political history that exceeds the compromise plan of Mr. Clay, taken in connection with the actual state of the country, and with the speech by which he introduced and explained his measures to the Senate. Perhaps this effort of Mr. Clay has been somewhat obscured by the splendor of Mr. Webster's speech of the 7th of March, that soon followed it, and by the excitements and controversies which that speech produced. But no historian of our affairs can do justice to the intellectual and moral displays of this critical period, who does not observe and admit the masterly statesmanship of Mr. Clay in this last great act of his life.

The task that Mr. Clay proposed to himself was no less than to provide, at one and the same time, for the settlement of all

[1] Mr. Clay's speech on introducing his compromise resolutions, February 5, 1850.

the pending questions in relation to slavery, in such a manner as to leave no just cause for complaint to either of the two principal sections of the Union. The great features of his plan, distributed into eight resolutions, were these: 1. To admit California as a State, with suitable boundaries, without the imposition by Congress of any condition whatever in regard to slavery. 2. That, as slavery did not exist by law, and was not likely to be introduced, in any of the territory acquired by the United States from Mexico, territorial governments should be established for those countries, without any restriction against or declaration in favor of slavery. 3. That the western boundary of Texas should be fixed at the Rio del Norte, up to the southern boundary of New Mexico, and thence eastwardly to the line as established between the United States and Spain. 4. That the United States provide for the payment of all that portion of the public debt of Texas, contracted before its annexation to the United States, for which its duties on imports were pledged, and upon the condition that Texas relinquish her claim to any part of New Mexico. 5. That slavery in the District of Columbia be left undisturbed, until the adjoining State of Maryland should consent to its abolition, and that, when such consent and the consent of the people of the District should be obtained, compensation should be given to the owners of the slaves. 6. That the trade in slaves in the District of Columbia brought there for sale be prohibited. 7. That more effectual provision be made by law for executing that clause of the Constitution which required the extradition of fugitive slaves, escaping from one State into another. 8. That it be declared, that Congress has no power over the subject of the trade in slaves between States in which slavery obtained by the local law.

Having settled these principal features of his plan, Mr. Clay determined, before proposing it, to submit it to Mr. Webster, and to ask his coöperation. The relations between them had always been courteous, but they had never been intimate since their rivalry in regard to the presidency began; and, since the Administration of President Tyler, their intercourse had been only formal. But that long rivalry was now over. Mr. Clay was conscious that, whether the office of President of the United

States did or did not remain for his great competitor and compeer, it did not remain for himself. It was his sole object to discharge the duties of a patriot, whose days could not be long, and whose ambition had been terminated by events which had rendered its gratification impossible.

On the evening of January 21st, in a state of the weather which rendered it very unfit for Mr. Clay to be abroad, his name was announced at Mr. Webster's house, without previous intimation of his visit. He had come, he said, to express to Mr. Webster his anxieties concerning the country, to unfold to him his plan for composing the differences between the two sections, and to ask Mr. Webster's aid. The following memorandum, made by a gentleman who was at Mr. Webster's house during and after the interview, will be read with great interest:

"Monday Evening, *January* 21, 1850.

"At seven o'clock this evening, Mr. Clay came to Mr. Webster's house, and held a long interview with him concerning the best mode of action to settle the difficulties growing out of slavery, and the newly-acquired Territories. I heard a part of the conversation. Mr. Clay retired after an interview of about an hour. Mr. Webster called me to his side, and spoke to me of Mr. Clay in words of great kindness. He said he agreed, in substance, with Mr. Clay; that he thought Mr. Clay's objects were great and highly patriotic; that Mr. Clay seemed to be very feeble, had a very bad cough, and became quite exhausted during the interview; that he had no doubt it was Mr. Clay's anxious desire to accomplish something for the good of the country during the little time he had left upon earth. That perhaps Providence had designed the return of Mr. Clay to the Senate, to afford the means and the way of averting a great evil from our country.

"Mr. Webster said, further, that he regarded Mr. Clay's plan as one that ought to be satisfactory to the North, and to the reasonable men of the South; that he had not reflected enough upon any part of it, but his first impression was, that he could adopt the whole of it;[1] and, if, upon further consideration, he should hold his present opinion, he would devote himself to this cause in the Senate, *no matter what might befall himself at the North;* that as to the Wilmot Proviso, that was no shibboleth for him; that from Niblo's Garden, in 1837, to this day, he had declared his purpose not to assist in giving slavery a new home in any Territory of the United States. But, he added, if New Mexico be let alone, she will no more have slavery than California; that it is useless, and more than use-

[1] I have heard Mr. Webster say, that he told Mr. Clay that, while he was not then prepared to concur in all the details of his plan, as a general system for settling the pending difficulties, he could approve of it, with perhaps some modifications, and that he should give it the utmost attention.

less to be interdicting slavery where it could not exist, and with the sole effect of needlessly irritating the South. He said that Mr. Clay told him that some of the Democratic Senators and most of the Whigs, except those from the North, would approve his purposes, though it would not suit the violent disposition of Georgia."

During the period that elapsed between the introduction of Mr. Clay's compromise resolutions (January 29th) and the 7th of March, the sectional controversy went on in both Houses of Congress, developing in each a Northern and a Southern opposition to any such plan of adjustment.[1] On the 13th of February, President Taylor submitted the proposed constitution of California; and, on the same day, Mr. Foote, of Mississippi, brought forward his resolution to refer this document and all the pending propositions relating to the subject of slavery, which were quite various, to a select committee. But what course should be taken was not settled when Mr. Webster delivered his speech on the 7th of March; for there was a struggle, from various and conflicting motives, to have the admission of California go to the Committee on Territories, with a view to its being acted on as a separate measure. Mr. Webster had hitherto remained almost wholly silent, waiting for what he could regard as a suitable time for his interposition. With what feelings and views he approached this great duty can now be seen with entire distinctness. A careful observation of the events which succeeded each other, after Mr. Clay's interview with Mr. Webster, will show that, while, in the middle of February, Mr. Webster did not regard the Union as in imminent danger, he was soon compelled, by what was taking place, to see that the perils of its disruption were developing with great rapidity.

[TO PETER HARVEY, ESQ.]

"WASHINGTON, *February* 14, 1850.

"MY DEAR SIR: I do not partake, in any degree, in those apprehensions which you say some of our friends entertain of the dissolution of the Union, or the breaking up of the Government. I am mortified, it is true,

[1] The Southern Senators who opposed the plan of adjustment contemplated by Mr. Clay's resolutions were those who insisted on the recognition by Congress of the alleged constitutional *right* of the Southern people to carry slavery into Territories which were the common property of the Union. The Northern opposition came from those who desired to apply the "Wilmot Proviso" to all Territories, and who considered that there was no other safe course.

at the violent tone assumed here by many persons, because such violence in debate only leads to irritation, and is, moreover, discreditable to the Government and the country. But there is no serious danger, be assured; and so assure our friends.

"My own opinion is, that California will be admitted, by a large majority of the House of Representatives, and by two-thirds of the Senate. I take it, all the Northern members in this House will vote for her admission; together with both the Kentucky Senators, both the Maryland members, one or both of the North Carolina members, I hope both, or perhaps only one of the Louisiana members, one Tennessee member, and one Missouri member.

"I have, thus far, upon a good deal of reflection, thought it advisable for me to hold my peace. If a moment should come, when it shall appear that any temperate, *national*, and practical speech which I can make would be useful, I shall do the best I can.—One purpose I wish to execute—and that is, to call on Mr. Berrien, and other Southern gentlemen, to state distinctly what are these acts of the North, which, it is said, constitute a series of aggressions, by the North, on the South. This matter ought to be looked into a little more carefully than it has been. Let the North keep cool. I hope Massachusetts will send us *no* resolutions at present. They can do no good. This is a most important matter, and I hope our friends will understand it so.

"Yours truly,

"DANIEL WEBSTER.

"Mr. Harvey."

Between the date of this letter and the 7th of March, the aspect of affairs was materially changed. There were indications of disunion which Mr. Webster could not disregard; for there were declarations made in the Senate, which were so pointed and precise, that he could not continue to regard the Union as free from serious peril, especially after Mr. Calhoun had caused the speech to be read which will be referred to hereafter.[1] On the 22d of February, in writing to the same friend,

[1] See *post*, page 412.—At this time, the Antislavery Societies, in Massachusetts and Ohio, led by persons who, for thirty years, have been known for this kind of agitation, and whose efforts were now directed to the breaking up of the Union, boldly avowed themselves as its enemies, and as enemies of the Constitution. At an anniversary meeting of the Massachusetts Antislavery Society, held in Faneuil Hall, on the 23d and 24th of January, 1850, the following resolutions, among others, were adopted:

"*Resolved*, That we seek a dissolution of this Union, first, as a measure of individual duty to cease from sustaining a great evil; secondly, to secure free action and expression for the degree of antislavery feeling which even now exists in the nation, and which is either soothed or cajoled by the professions, or intimidated by the power of the great national parties and sects; thirdly, by abstaining from all guarantees to the master, to leave the balance even between the two races; fourth, to bring closer to the Southern conscience the indignation and moral rebuke of the age, now confused and restrained by a fusion of these States; and, lastly, to bring to bear, on the institution of slavery, those principles of the relative value of free and

Mr. Harvey, Mr. Webster said: "As time goes on, I will keep you advised by telegraph, as well as I can, on what day I shall speak. As to what I shall say, you can guess nearly as well as I can. I mean to make a Union speech, and discharge a clear conscience." But the fullest expression of the feelings with which he regarded the demand upon him, by that portion of Northern opinion that was led and represented by the anti-slavery organizations, is to be found in a letter which he wrote to the Rev. Mr. Furness, of Philadelphia, on the 15th of the same month.

[TO THE REV. MR. FURNESS.]

"WASHINGTON, *February* 15, 1850.

"MY DEAR SIR: I was a good deal moved, I confess, by reading your letter of the 9th January. Having great regard for your talents and character, I could not feel indifferent to what you said, when you intimated

slave labor, of the unchangeable connection of national prosperity with popular progress and the elevation of the masses, which has swept chattelism from Europe, and will put an end to it here, whenever the breakwater of this Union, which now shields the South from their reach, is removed.

"*Resolved*, That, admiring the fearlessness, the fidelity to principle, and the just discernment of slavery's true nature, and its chief strongholds, manifested by the great convention of Ohio's sons and daughters, assembled in September last at Berlin, in that State, we, the members and friends of the Massachusetts Antislavery Society, assembled in Faneuil Hall, do cordially respond to their words, and say with them, 'With full confidence in the integrity of our purpose and the justice of our cause, we do hereby declare ourselves the enemies of the Constitution, Union, and Government of the United States, and the friends of the new Confederacy of States, where there shall be no union with slaveholders, but where there shall ever be free soil, free labor, and free men; and we proclaim it as our unalterable purpose and determination to live and labor for a dissolution of the present Union, by all lawful and just, though bloodless and pacific means, and for the formation of a new republic that shall be such, not in name only, but in full living reality and truth. And we do hereby invite and entreat all our fellow-citizens and the friends of justice, humanity, and true liberty throughout the Northern States, to unite with us in laboring for so glorious an object."

Certain obvious reflections will occur to those who may hereafter read these proceedings in the light of what has actually occurred: First, that, whether attempted at the North or at the South, the idea of breaking up the Union and destroying the Constitution by "bloodless and pacific means" was a chimera, palpably impossible; for, in whatever hands the Government of the United States might at the time of any such attempt be lodged, if those who administered it obeyed their oaths of office, there could be no such thing as a "peaceable secession." Secondly, that if it was right for such sentiments and purposes to be proclaimed in Boston, it was equally right to proclaim them in Nashville; for the disunionists of the opposite sections alike incurred the inevitable risk of civil war, in the pursuit of their opposite ends. Thirdly, that it was simply impossible for such proceedings to take place in the Northern States, without producing a conviction in the South that the Southern States were not safe in the Union; for the Northern agitation had reached a point at which it was plainly seen to be a mere question of patriotism and duty how far the political parties of the North, or either of them, would abstain from conciliating the votes or yielding to the sentiments of those who declared themselves as "the enemies of the Constitution and the Union." Finally, that, if Mr. Webster had not so spoken as to convince a majority of the Northern people, irrespective of party, that such proceedings and sentiments must be discountenanced, the civil war through which we have passed would have occurred ten years before it actually came, and with a much smaller probability as to its final result.

that there was, or might be, in me, a power to do good not yet exercised or developed. It may be so; but I fear, my dear sir, that you overrate, not my desire, but my power to be useful in my day and generation. From my earliest youth, I have regarded slavery as a great moral and political evil. I think it unjust, repugnant to the natural equality of mankind, founded only in superior power; a standing and permanent conquest by the stronger over the weaker.

"All pretence of defending it on the ground of different races, I have ever condemned. I have even said that, if the black race is weaker, that is a reason against, not for, its subjection and oppression. In a religious point of view, I have ever regarded it, and ever spoken of it, not as subject to any express denunciation, either in the Old Testament or the New, but as opposed to the whole spirit of the Gospel and to the teaching of Jesus Christ. The religion of Jesus Christ is a religion of kindness, justice, and brotherly love.

"But slavery is not kindly affectioned; it does not seek another's and not its own; it does not let the oppressed go free. It is, as I have said, but a continual act of oppression. But then, such is the influence of a habit of thinking among men, and such is the influence of what has been long established, that even minds religious and tenderly conscientious, such as would be shocked by any single act of oppression, in any single exercise of violence and unjust power, are not always moved by the reflection that slavery is a continual and permanent violation of human rights.

"But now, my dear sir, what can be done by me, who act only a part in political life, and who have no power over the subject of slavery, as it exists in the States of the Union? I do what I can to restrain it; to prevent its spread and diffusion; but I cannot disregard the oracles which instruct me not to do evil that good may come. I cannot coöperate in breaking up social and political systems, on the warmth, rather than the strength, of a hope that, in such convulsions, the cause of emancipation may be promoted. And, even if the end would justify the means, I confess I do not see the relevancy of such a means to such an end. I confess, my dear sir, that, in my judgment, confusion, conflict, embittered controversy, violence, bloodshed, and civil war, would only rivet the chains of slavery the more strongly.

"In my opinion, it is the mild influence of Christianity, the softening and melting power of the Sun of Righteousness, and not the storms and tempests of heated controversy, that are, in the course of those events which an all-wise Providence overrules, to dissolve the iron fetters by which man is made the slave of man.

"The effect of moral causes, though sure, is slow. In two thousand years, the doctrines and miracles of Jesus Christ have converted but a very small part of the human race; and, among Christian nations even, many gross and obvious errors, like that of the lawfulness of slavery, have still held their ground. But what are two thousand years in the great work of the progress of the regeneration and redemption of mankind?

"If we see that the course is onward and forward, as it certainly is, in regard to the final abolition of human slavery, while we give to it our fervent prayers, and aid it by all the justifiable influences which we can exercise, it seems to me we must leave both the progress and the result in His hands, who sees the end from the beginning, and in whose sight a thousand years are but as a single day. I pray you, my dear sir, accept this, the product of half an hour of the evening, and unread by the writer, as a respectful and grateful acknowledgment of your very kind and friendly letter.

"Daniel Webster."

At length it became understood that Mr. Webster would speak at the first opportunity he could have; but it so happened that, on the 7th of March, Mr. Walker, of Wisconsin, was entitled to the floor, on the resolutions offered by Mr. Clay, which were the special order of that day. It was apparent, however, that public expectation was now directed with intense interest toward Mr. Webster.[1] "At an early hour this morning," says the official report, "the Senate-chamber was completely occupied by ladies, and such few gentlemen as had been able to obtain admittance, who endured several hours' patient *possession* of seats, and even of the floor, that they might hear the long-expected speech of the Senator from Massachusetts." When the order of the day was called, Mr. Walker gracefully said, that this vast audience had not come to hear him, and that there was but one man who could have assembled it. He then waived his privilege of the floor, and requested Mr. Webster to proceed. Mr. Webster rose, and, after thanking Mr.

[1] With the exception of the interview between Mr. Clay and Mr. Webster, in January, I am not aware that any one sought to ascertain what course Mr. Webster intended to pursue in regard to the pending sectional controversy. There is no evidence whatever among his private papers which would warrant the belief that he was consulted or approached by any person in public life, with suggestions of a political character, nor did I ever hear of such an occurrence having taken place. In fact, down to the eve of the speech referred to in the text, he had no consultation with anybody excepting a few personal friends. But, as early as December, 1849, Mr. Webster learned from President Taylor, and the members of his Administration, what convinced him that a dangerous policy was likely to be pursued by the Executive, in regard to these sectional controversies, and that a different and more comprehensive plan of general pacification must be pursued. Before General Taylor's death, Mr. Webster had made up his mind to risk himself on such a plan. The one that was suggested by Mr. Clay met, as we have seen, his general approbation. But beyond the general assurance that he gave to Mr. Clay, no person in public life was aware of Mr. Webster's purposes, as I believe.—(See the letter to Mr. Haven, quoted *infra*.)

[2] The *Globe*. Session of 1850, p 476.

Walker for his courtesy, he delivered that speech which, more than any other act of his life, has been a subject of embittered controversy. There was but little *written* preparation for it. All that remains of such preparation is on two small scraps of paper, one of them containing a mere outline of the exordium, and the other a brief summary of the points on which Mr. Webster intended to speak, and which are exactly in the order in which the speech was made.[1] Yet, it is not to be inferred that he said any thing, on this occasion, on which he had not long deliberated.

On the contrary, the speech was measured in every word. It was delivered with even more than his usual calmness, and was in every part of it the result of convictions to which he had been brought by what was taking place around him. It is unnecessary for me to make an elaborate analysis of it. After an exordium, in which he said that he desired to speak, not as a representative of Massachusetts or of the North, but as an American and as a member of the Senate of the United States, he proceeded to an historical review of the events which had brought the two sections into their present attitude on the subject of slavery, ascribing it to the unnecessary acquisition of Texas, and the other Territories obtained by conquest from Mexico. Passing from this review, he sketched the different conditions of opinion in regard to slavery prior to the Christian era, and down to the period, in this country, when very opposite religious views concerning it began to prevail in the opposite sections of the Union. These he contrasted with the different state of opinions prevailing in the North and in the South, at the time of the establishment of our Constitution, when, in the North there was far less condemnation of slavery than there was in the South. He then described the change which had since taken place, the North having become excited against it as a great moral wrong, while the South, under the influence of the cotton culture, had come to regard it as no evil, and as justifiable on religious grounds.

He then proceeded to establish the proposition on which

[1] The original of the first of these memoranda, on a small sheet of note-paper, is in my possession. The other was given to Mr. Edward Curtis, but a copy of it is now before me. It contains only the heads of topics.

he meant to rest, namely, that the character of every foot of territory then belonging to the United States, and not embraced in some State, was already fixed, as to slavery or freedom, by some irrepealable law. He showed this by referring, first, to the compact made with Texas, which had plighted the faith of the Government to admit new slave States out of her limits, south of the parallel of 36° 30′, if the people of such States should demand it; secondly, by the unfitness of all the remaining territory acquired from Mexico to receive slavery, or, in other words, by the law of Nature and physical geography, which he said had excluded slavery from those regions by a power superior to all human enactments. No "Wilmot Proviso," therefore, was needful as to these Territories, and he declared that, while in any case of necessity he would enforce that restriction, in a case where there was no necessity he would not vote for it, and cause a useless irritation.

Mr. Webster then passed to the other topics of crimination and recrimination between the North and the South. Noticing first the complaints of the slaveholding States, he said that there was just ground for complaining that, among individuals and legislators at the North, there had grown up a disinclination to perform fully their constitutional duties in regard to the return of fugitives from service; and in this connection he announced his purpose to support, *but with some amendments*, the bill of Mr. Mason, then before the Senate, to the fullest extent. He spoke in terms of grave condemnation of the disregard of constitutional obligations exhibited in this respect in some of the Northern States, and said that the enactment by Congress of proper laws for the restoration of fugitive slaves, according to the injunction of the Constitution, had become imperatively necessary.

He next noticed the practice of some Northern Legislatures, of sending resolutions to Congress, not only on the subject of slavery in the District of Columbia, but sometimes recommending Congress to consider the means of abolishing slavery in the States. In reference to this, he said very plainly that he should be unwilling to receive from the Legislature of Massachusetts any instructions to present resolutions expressing any opinion whatever on the subject of slavery, as it existed in the States;

and he intimated quite as plainly that he would not hold himself bound by any instructions of that kind.

He referred then to the "Abolition Societies" in the North, and imputed to their agitation of the subject the greatly-increased adherence to slavery, which had come about in the South. He spoke in terms of severe rebuke of the violence of the Northern press; which, however, he said, was set off by equal violence in the press of the South.

But, in regard to the whole catalogue of Southern complaints, he saw no solid grievance capable of being redressed by the power of Congress, excepting that which related to the surrender of fugitive slaves.

Turning, then, to the other side of the chapter, he enumerated, as first among the complaints of the North, the change that had taken place in Southern sentiment since the establishment of the Constitution, resulting in efforts to extend the institution of slavery into new regions, contrary to the original understanding when the Constitution was adopted. He next adverted to the tone with which many Southern men treated the free labor of the North, elevating the slave of the South above the free Northern laborer in all points of condition, comfort, and happiness. Whether intended so or not, this of necessity became offensive to a people among whom five-sixths of all property was in the hands of free and educated laborers, working with their own hands. Finally, he commented on the Southern laws, which detained the colored seamen of Northern vessels in custody while in Southern ports, as a more tangible and irritating grievance, and as a thing unjustifiable and oppressive. He referred to a mission to South Carolina, undertaken some years previously by Mr. Hoar, an agent of Massachusetts, as a well-intended effort to remove this cause of complaint.

In regard to the various grievances on both sides, he said that, so far as they had their foundations in matters of law, they could be and ought to be redressed; and, so far as they had their foundations in matters of opinion, sentiment, and mutual crimination, all that could be done was to endeavor to allay the agitation and cultivate fraternal sentiments between the two sections.

The speech was closed as follows:

"Mr. President, I should much prefer to have heard from members on this floor declarations of opinion that this Union could never be dissolved, than the declaration of opinion, by anybody, that, in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with distress and anguish the word 'secession,' especially when it falls from the lips of those who are patriotic, and known to the country, and known all over the world, for their political services.

"Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish, I beg everybody's pardon, as to expect to see any such thing? Sir, he who sees these States, now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next moment to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without causing the wreck of the universe! There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live, covering this whole country, is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun, disappear almost unobserved, and run off? No, sir! No, sir! I will not state what might produce the disruption of the Union; but, sir, I see, as plainly as I see the sun in heaven, what that disruption itself must produce; I see that it must produce war, and such a war as I will not describe, in its twofold character. Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain America? What am I to be? An American no longer? Am I to become a sectional man, a local man, a separatist, with no country in common with the gentlemen who sit around me here, or who fill the other House of Congress? Heaven forbid! Where is the flag of the republic to remain? Where is the eagle still to tower? or is he to cower and shrink, and fall to the ground? Why, sir, our ancestors, our fathers and our grandfathers, those of them that are still living among us with prolonged lives, would rebuke and reproach us; and our children and our grandchildren would cry out shame upon us, if we of this generation should dishonor these ensigns of the power of the Government and the harmony of the Union which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly, there is to be, or it is supposed possible that there will be, a Southern Confederacy. I do not mean, when I allude to this

statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that the idea has been entertained, that, after the dissolution of this Union, a Southern Confederacy might be formed. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea, so far as it exists, must be of a separation, assigning the slave States to one side and the free States to the other. Sir, I may express myself too strongly, perhaps, but there are impossibilities in the moral as well as in the physical world, and I hold the idea of a separation of these States, those that are free to form one government, and those that are slaveholding to form another, as such an impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could.

"Sir, nobody can look over the face of this country at the present moment, nobody can see where its population is most dense and growing, without being ready to admit, and compelled to admit, that ere long the strength of America will be in the valley of the Mississippi. Well, now, sir, I beg to inquire what the wildest enthusiast has to say on the possibility of cutting that river in two, and leaving free States at its source and on its branches, and slave States down near its mouth, each forming a separate government? Pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free States north of the river Ohio. Can anybody suppose that this population can be severed, by a line that divides them from the territory of a foreign or an alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi. What would become of Missouri? Will she join the *arrondissement* of the slave States? Shall the man from the Yellowstone and the Platte be connected, in the new republic, with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it, I have an utter disgust for it. I would sooner hear of natural blasts, mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up this great Government! to dismember this glorious country! to astonish Europe with an act of folly such as Europe for two centuries has never beheld in any government or any people! No, sir! no, sir! There will be no secession! Gentlemen are not serious when they talk of secession.

"Sir, I hear there is to be a convention held at Nashville. I am bound to believe that, if worthy gentlemen meet at Nashville in convention, their object will be to adopt conciliatory counsels; to advise the South to forbearance and moderation, and to advise the North to forbearance and moderation; and to inculcate feelings of brotherly love and affection, and

attachment to the Constitution of the country as it now is. I believe, if the convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that, when the Treaty of Amiens was concluded between France and England, a sturdy Englishman and a distinguished orator, who regarded the conditions of the peace as ignominious to England, said in the House of Commons that, if King William could know the terms of that treaty, he would turn in his coffin! Let me commend this saying of Mr. Windham, in all its emphasis, and in all its force, to any persons who shall meet at Nashville for the purpose of concerting measures for the overthrow of this Union over the bones of Andrew Jackson!

"Sir, I wish now to make two remarks, and hasten to a conclusion. I wish to say, in regard to Texas, that if it should be hereafter, at any time, the pleasure of the government of Texas to cede to the United States a portion, larger or smaller, of her territory which lies adjacent to New Mexico, and north of 36° 30′ of north latitude, to be formed into free States, for a fair equivalent in money or in the payment of her debt, I think it an object well worthy of the consideration of Congress, and I shall be happy to concur in it myself, if I should have a connection with the Government at that time.

"I have one other remark to make. In my observations upon slavery as it has existed in this country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or melioration. I will say, however, though I have nothing to propose, because I do not deem myself so competent as some other gentlemen to take any lead on this subject, that if any gentlemen from the South shall propose a scheme, to be carried out by this Government on a large scale, for the transportation of free colored people to any colony or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set more than twenty years ago by a great man,[1] then a Senator from New York, I would return to Virginia, and through her to the whole South, the money received from the lands and territories ceded by her to this Government, for any such purpose as to remove, in whole or in part, or in any way to diminish or deal beneficially with, the free colored population of the Southern States. I have said that I honor Virginia for her cession of this territory. There have been received into the Treasury of the United States eighty millions of dollars, the proceeds of the sales of the public lands ceded by her. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the South see fit to adopt any proposition to relieve themselves from the free people of color among them, or such as may be made free, they have my full consent that the Government shall pay them any sum of money out of the proceeds of that cession which may be adequate to the purpose.

"And now, Mr. President, I draw these observations to a close. I have

[1] Mr. Rufus King.

spoken freely, and I meant to do so. I have sought to make no display. I have sought to enliven the occasion by no animated discussion, nor have I attempted any train of elaborate argument. I have wished only to speak my sentiments, fully and at length, being desirous, once and for all, to let the Senate know, and to let the country know, the opinions and sentiments which I entertain on all these subjects. These opinions are not likely to be suddenly changed. If there can be any future service that I can render to the country, consistently with these sentiments and opinions, I shall cheerfully render it. If there be not, I shall still be glad to have had an opportunity to disburden myself from the bottom of my heart, and to make known every political sentiment that therein exists.

"And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of liberty and union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pigmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of this Constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to come. We have a great popular constitutional Government, guarded by law and by judicature, and defended by the affections of the whole people. No monarchical throne presses these States together; no iron chain of military power encircles them; they live and stand under a government, popular in its form, representative in its character, founded upon principles of equality, and so constructed, we hope, as to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown.

"Large before, the country has now, by recent events, become vastly larger. This republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental border of the buckler of Achilles:

> 'Now, the broad shield complete, the artist crowned
> With his last hand, and poured the ocean round;
> In living silver seemed the waves to roll,
> And beat the buckler's verge, and bound the whole.'"[1]

[1] When this speech was first published, Mr. Webster dedicated it to the people of Massachusetts, and placed upon the title-page a sentence from the

It will, perhaps, surprise some future reader of our political history, who may not be minutely informed of the whole state of things existing at this time in the North, to learn that this speech was received by probably a great majority of Mr. Webster's constituents, if not by a majority of the whole North, with disfavor and disapprobation; and that at least this feeling was so strong, and so capable of being increased and perpetuated by those who had motives for encouraging it, that Mr. Webster's position as a public man, supposed to be still a candidate for the presidency, became seriously impaired by it. What was there, it will be asked, in the attitude taken by Mr. Webster, that should have cost him the popular favor of his own section? To reach an answer to this question, the inquirer must observe that the very attitude taken was that of a statesman who deems it his duty to stand between two highly-excited sections of a great and free country, whose institutions are purely popular, and to speak in terms which might disappoint the expectations of his own particular region. There has been no similar example of moral independence exhibited by any other statesman in our annals, under circumstances at all resembling those in which Mr. Webster at this time stood. All that can be said is, either that a sufficiently large number of the Northern people were not capable of his elevation, and for that reason he might be politically injured by this speech, or else that he was totally wrong in making it, and that the objections alleged against it were sound. But, in judging between these alternatives, the impartial reader will see that the risk which Mr. Webster knew he incurred is a full answer to the suggestion, that he expected by this speech to reach the presidency; for the sequel will show that no Northern statesman could have attained that object of ambition, through the action of the party to which Mr. Webster belonged—and of course Mr. Webster could reach it in no other way—if that person was deprived, as he was, by the defection of Northern

speech of Titus Quinctius Barbatus Capitolinus, as imagined by Livy: "His ego gratiora dictu alia esse scio; sed me VERA PRO GRATIS loqui, etsi meum ingenium non moneret, necessitas cogit. Vellem, equidem, vobis placere; sed multo malo vos salvos esse, qualicumque erga me animo futuri estis." [Livy, lib. iii., cap. 68, *ad fin.*] I have understood that this motto was suggested to Mr. Webster by Mr. Winthrop. No quotation was ever more felicitous in adaptation to the circumstances which led to its use. Mr. Webster afterward gave a ring to Mr. Winthrop, bearing on its seal the motto "VERA PRO GRATIS."

supporters, of the power to command support from the same party in the South.

One of the most bitter denunciations with which this speech was received, in the Northern section of the Union, consisted in the assertion that the Union was in no real danger, and that Mr. Webster was either insincere in acting as if it were, or that he gave way to weak and unfounded apprehensions. That he believed the Union to be in danger, before the speech was made, no one will probably now question. That he had abundant cause for this belief, will scarcely be denied by any reflecting person, who will recall the state of opinion and feeling existing in the South. Of that opinion and feeling, Mr. Calhoun was undoubtedly the best and highest representative then in public life. He was a man of the utmost sincerity; and what he said and felt on this subject is the best evidence of the existence of sentiments of which no Northern statesman like Mr. Webster could fail to take notice.

It is to be remembered that Mr. Calhoun had always regarded this Union as a federal republic of sovereign States, from which a peaceable secession was at all times the right of any one or more of the States which should consider that there existed sufficient cause for such a step. Both he and those who concurred with him in this opinion regarded the alleged wrong of a congressional exclusion of slavery from the Territories as furnishing cause for secession, because it would evince, as they held, a settled purpose on the part of the Northern States to break up the balance of power which the Southern statesmen and people regarded as the essential condition of union between the slaveholding and the non-slaveholding States. In a very carefully-prepared and dispassionate speech which Mr. Calhoun caused to be read in the Senate, on the 4th of March,[1] he displayed the nature of the existing discontent in the Southern States, and said that it was their belief, as prevalent as their discontent, that they could not remain in the Union, as things then were, with honor and safety. The causes of this discontent and this belief were, the hostility to slavery felt by every portion of the Northern people, and the efforts

[1] Mr. Calhoun was at this time very ill, and the 7th day of March was the last time that he appeared in the Senate.

made to act politically on the subject through the General Government, as well as through the State Legislatures. The vital question of the time, according to his view of it, was, whether the North, by admitting the equal right of the slaveholding section to enjoy and to occupy the new Territories which were adapted to slave-labor, would restore and preserve the political equilibrium of the Union. He closed with the following distinct avowal:

"It is time, Senators, that there should be an open and manly avowal on all sides as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can be hereafter; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion, cannot agree to settle them on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so, and we shall know what to do, when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired Territories, with the intention of destroying irretrievably the equilibrium between the two sections. We would be blind not to perceive, in that case, that your objects are power and aggrandizement, and infatuated not to act accordingly."

To this very important evidence of the Southern feeling, there should be added what took place in a colloquy between Mr. Calhoun and Mr. Webster, after Mr. Webster had closed his speech on the 7th of March.

Mr. Calhoun: "I cannot agree with the Senator from Massachusetts, that this Union cannot be dissolved. Am I to understand him, that no degree of oppression, no outrage, no broken faith, can produce the destruction of this Union? Why, sir, if that becomes a fixed fact, it will itself become the great instrument of producing oppression, outrage, and broken faith. No, sir, the Union *can* be broken. Great moral causes will break it, if they go on; and it can only be preserved by justice, good faith, and a rigid adherence to the Constitution."

Mr. Webster: "The honorable member asks me, if I hold the breaking up of the Union, by any such thing as the voluntary secession of States, as an impossibility? I know, sir, this Union can be broken up;

every Government can be; and I admit there may be such a degree of oppression as will warrant resistance, and a forcible severance. That is *revolution*—that is *revolution!* Of that ultimate right of revolution I have not been speaking. I know that that law of necessity does exist. I forbear from going further, because I do not wish to go into a discussion of the nature of this Government. The honorable member and myself have broken lances sufficiently often before on that subject."

MR. CALHOUN: "I have no desire to do it now."

MR. WEBSTER: "I presume the gentleman has not, and I have quite as little."

It would be idle, at the present day, to regard this attitude of the greatest representative of Southern opinion as mere menace and bluster. Mr. Calhoun was a man of deep convictions, and he never resorted to mere threats. There was, moreover, great truth in much that he said, concerning the opposite feelings of the two sections of the Union, as to the relations of the two races in the South; and it was the well-known existence, the nature, and the causes of these opposite views which rendered it necessary for Mr. Webster to set forth, plainly and distinctly, in what the political errors of each section consisted, in order that he might do what he could to correct the public sentiment of each, and to render a final resort to the authority of the Government unnecessary for the preservation of the Union.

The circumstances of the present juncture were very different from those of 1832–'33, when a whole system of existing laws of the United States was actually resisted by the State of South Carolina, and when Mr. Webster did not think it fitting to modify those laws in the face of such resistance. The question now was, not whether existing laws should be enforced, but what laws it was expedient to enact; and how the pending difficulties could be adjusted without any sacrifice of principle on the part of the North, and without needlessly increasing the Southern discontent.

Mr. Webster, however, was accused of having sacrificed an important principle with which his own fame was identified, because he refused to apply to the new Territories a congressional prohibition of slavery, although he demonstrated that it was totally unnecessary, and because he declared that he would observe the compact that had been made when Texas was annexed to the Union. In all this, the spirit of party animated

many of the attacks that were made upon him. It had long been perceived that a most powerful means of combining the people of the Northern States into a new party organization existed in their hostility to slavery. Such an organization was already formed, and had its leaders and its representative men in public life.[1] To impair the influence of Mr. Webster's great speech, by representing him as guilty of extraordinary inconsistencies for the sake of reaching the presidency through the favor of the South, became one of the ordinary tactics of a new party.

There were, too, many honest and well-meaning persons, who were sincerely grieved at what they thought a lamentable fall by a great statesman, from a high moral elevation, through the promptings of an inordinate ambition.

It is time that these opinions, so far as they may remain, should be revised. It is time that the people of this part of the Union should examine the truth of these accusations, and should calmly weigh the moral probabilities that ought justly to determine the question, whether their present and future welfare, or his own political aggrandizement, was the motive that animated the course of this great man from the 7th of March, 1850, to the close of his life. In this examination it can scarcely be necessary to insist that Mr. Webster himself should be heard.

We know, then, when he said he would not reënact by human law what was already manifestly settled by a law of God, in regard to these new regions for which Territorial governments were to be provided, that he had good cause for the belief that African slavery could not be introduced into them, by reason of their natural unfitness for that species of labor; and it was certainly true that the people of the slaveholding States would regard a congressional prohibition, under such circumstances, as an indignity and a theoretical wrong. If it was also true that the same Southern people were at this time insisting on the acknowledgment of their constitutional *right* to carry slavery into those regions, it surely should afford no impeachment of Mr. Webster's statesmanlike wisdom or his personal consistency, if he sought to take, as he did take, from them, all

[1] It was at this time commonly known as the "Free-Soil" party.

cause for insisting further on the admission of a principle which he could not concede to them. When such a man as Mr. Webster had said that he would waive the "Wilmot Proviso," because under the actual circumstances it was unnecessary to any practical end, there arose in the South a sufficient body of opinion, finally to insure the acceptance of this mode of settling the present controversy, and Mr. Calhoun's question and his alternative of secession became practically unnecessary to be considered. And it was not until Mr. Webster had been dead for several years, that the fundamental law of the Missouri Compromise, on which he relied for security against slavery in a part of the territory acquired with Louisiana, was repealed in the case of Kansas, and that region was thrown open to the contention of both sections, in a lamentable and dangerous struggle for preoccupation.

On the 11th of March, in a general speech against the proposed plan of settling the slavery question, Mr. Seward undertook to show that Mr. Webster was wrong in regard to the obligation of Congress to admit new slave States out of Texas.

After the close of Mr. Seward's speech, Mr. Webster read in the Senate the following clause from the joint resolution admitting Texas: "And such States as may be formed out of that portion of said territory lying south of 36° 30′ north latitude, commonly known as the Missouri Compromise line, *shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire;*" and he then added, "No consent of Congress, in that respect, is necessary." Mr. Hale then said: "I understood him [Mr. Webster] to place the obligation of this Government to receive four new States into the Union, to be formed from the territory of Texas, on the ground that it was a compact formed with Texas. The question that I wish to propose, with great deference and respect, is this, and I should be glad if the honorable Senator from Massachusetts would give an answer to it, as a lawyer. Does he believe that it was competent for the two Houses of Congress, by joint resolution, to enter into a compact with a foreign nation? Would such a compact be binding? Would it not be unconstitutional and void—a usurpation of the treaty-making power,

which is vested by the Constitution in the President and two-thirds of this body?"

When this question was put to Mr. Webster he misunderstood its purport, and the answer which stands recorded in the official report did not correctly express his real opinions.[1] On the following day (the 12th) he caused Mr. Hale's question to be read in the hearing of the Senate, and then said:

"I only wish now, sir, to guard against any mistake or misapprehension, and for that purpose say that, as an original question, I have always entertained, and often expressed, the opinion that the formation of new States, or their adoption into the Union, out of territory not belonging to the United States, was not in the contemplation of the Constitution of the United States, although it had seemed to be in the contemplation of the States of the old Confederation, at least so far as regarded Canada.

"I wish to say, in the next place, that, after the acquisition of Louisiana, I considered this a settled question, and have always acted upon it accordingly.

"I wish to say, in the third place, that I do suppose, and always have supposed, that the appropriate mode of acquiring that territory was by the exercise of the treaty-making power; and I enjoined my friends, so far as I had occasion—being then out of Congress—to urge, on all necessary occasions, the exercise of this power, if any thing was to be done in the matter. I thought, and I still think, that it is not in the spirit of the Constitution to carry on correspondence and enter into contracts with foreign powers through the medium of legislative acts, reciprocal or mutual. But then, that, I have now to say, is not the only way in which contracts have been entered into by this Government and others—I mean, that such contracts or stipulations have been made by legislative acts. The leading instance is that which was called Mr. McLane's arrangement, by which a conditional act, regulating commerce, was passed by the British Parliament; and another conditional act, regulating commerce, was also passed by the Congress of the United States; and under the conditions of those two acts, a compact was made with England by the force of legislation. All I wish to say at present, however, is to guard against any inference which might otherwise be drawn, to the contrary of what I now state."

With regard to the alleged inconsistency between Mr. Webster's sentiments and course respecting the annexation of Texas, in 1845, and his present declaration that he should stand by the plighted faith of the Government which had stipulated that four new slave States might be carved out of Texas, the following colloquy took place in the Senate on the 25th of March.

[1] See the *Globe* for 1850, p. 502.

Mr. Webster, having received permission to make a personal explanation, said:

"Some persons, sir, are edifying the Senate and the House, and, I suppose, the country, by sending round a little scrap of paper, with my name at the top of it, and quoting from a speech delivered by me, in my place here, in 1848, if I mistake not, in which I said that 'my opposition to the increase of slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to lines of latitude or the points of compass. I shall oppose all such extension, and all such increase, in all things, under all circumstances, even against all inducements, against all combinations, against all compromises.'

"I believe the passage has been quoted in the Senate."

Mr. Dawson: "It has."

Mr. Webster: "I undertake to say that anybody who quotes that speech, for the purpose of showing any inconsistency between the sentiments I hold now and those which I addressed to the Senate then, either does not understand the subject or is not candid. There is no inconsistency. There is no inconsistency whatever between any thing which I ever said in the Senate and the speech which I addressed to the Senate a fortnight ago. No man can show any such inconsistency. I have never voted for any increase of slavery or slave territory; but I have said that I will stand to the plighted faith of the Government; and if others have bound the Government by particular stipulations, I shall not set up my own individual opinion upon the constitutionality of the law creating those pledges. It is not the part of a statesman so to act; it is not the part of a member of Congress so to act; and, lastly, it is not the part of an intelligent and honest man so to act.

"I repeat, sir, that there is not a man in the country, here or elsewhere, of candor and intelligence, that can see for himself, or that will suggest to others, that there is a particle of difference between the remarks which I addressed to the Senate a fortnight or ten days ago, and any thing that was, either in 1848, or at any other time, or in any other place, spoken by me on this subject; and the man who says there is, I repeat, is either not intelligent or not candid."

Mr. Hale: "I read the quotation in the remarks I made in the Senate the other day, certainly under no feeling of want of respect for the distinguished Senator from Massachusetts, and without expressing any opinion as to whether there is a discrepancy between the sentiments he advocated in 1848 and those which he advocates now. I made no assertion of that sort; I merely read the quotation, and left the country to judge of that question. The honorable Senator thinks that, if there are any persons who see discrepancies, they are either wanting in candor or wanting in intelligence. Now, however any one would shrink from so severe a censure coming from such a quarter, I will say, being thus challenged, that, to my mind, the difference is a very great one. It should be remembered that

the resolutions of 1845, which the honorable Senator thinks have bound the plighted faith of this Government to admit four new slave States out of the Territory of Texas, had already passed in 1848, and had as binding force in 1848 as they have in 1850, and yet, if I understand the remarks made by the honorable Senator in 1848, his opposition to the increase of slavery in the country was general and universal, without qualification, 'against all inducements, all combinations, and all compromises.' But, sir, the two speeches are before the country, and no assertion that I can make, and no denial that anybody else can make, can blind the common sense of the country to what they mean. If there is no discrepancy, the honorable Senator will seem to be right; if there be a discrepancy, it is for the country to judge of it; but, in the remarks which I made, I gave the quotation without stating whether there was a discrepancy or not."

Mr. Webster: "If the honorable member did not make that quotation for the purpose of uttering or intimating a suggestion that there was an inconsistency, I cannot conceive for what purpose he did make it. He may—he may, but I cannot see the object of his remark. Why, what is there that I have said since 1848? Any fair interpretation of my remarks in 1848 would mean, and can only mean, that I would be accessory to bringing in no new slave territory into the Union; and I have not been. It cannot be fairly construed to mean that I would seek to undo what Congress has done, to oppose my own opinion to the law of the land and the Constitution of the country.

"Sir, I have always said and done whatever I could to resist the acquisition of slave territory. I voted against the war, because that war was made in order to obtain, by conquest, slave territory. I voted against the treaty, because that treaty was made for the purpose of bringing slave territory into the Union. How did the member from New Hampshire vote on the ratification of the treaty?"

Mr. Hale: "I voted for it."

Mr. Webster: "I supposed he did; so I do not stand upon the same ground with him in that respect. I voted against that treaty in 1848, as I would vote against it now; and, if that gentleman had stood by me and two or three other gentlemen on this side of the Chamber, this controversy would never have arisen. We should have got paid our money, and, if we had not, I should hardly have cared, provided we had not purchased this bone of contention. But the gentleman himself did vote for the treaty, bringing in these new conquests, and now he is afraid there will be slavery there—now he is desirous of covering the white tops of its hills, and the barren sides of its mountains, and its useless valleys, under the protection of a law of Congress against slavery. Why did he not keep out the Territory, keep the question out, keep this controversy out?"

Mr. Hale: "I want to make one further explanation, sir; and I am sorry, very sorry to be driven to it. The honorable Senator asks me why I did not vote to keep it out. I call upon the Senate to mark what I am about to say. A motion was made by the Senator from Connecticut to in-

sert in the treaty a provision keeping slavery out of the whole country that we should acquire, and upon the vote my name stands recorded in favor of the proposition; and upon that vote the name of the honorable Senator from Massachusetts does not appear at all, although it appears that he was in the Senate five minutes before and five minutes after the vote was taken. So much for that, sir. Again, when this treaty was before the Senate, another proposition was made by the Senator from North Carolina to insert an amendment to the boundaries, so as to leave out all the territory about which there was any dispute, except the disputed boundary of Texas. I do not remember how the Senator from Massachusetts voted on that motion, but I know how I voted. I voted to keep it out, to amend the treaty, so that the whole territory might be left out, and simply to settle the boundary between this country and Texas. And, sir, there were not fifteen—not one-third of the Senate—found to vote for that amendment. I do not remember how the Senator from Massachusetts voted on that occasion, but the record will show. I voted, in fact, against the war; I voted against all supplies to the war; and I voted for the treaty, because I thought, in the words, I think, of Benjamin Franklin, that there could never be a good war or a bad peace; that peace was better than war, and therefore that I would take the best peace that I could get. I tried to made the peace better, but, when I found we had got the best we could get, I took it.

"It was, sir, with no purpose of provoking controversy with the Senator from Massachusetts, or any one else, that I alluded to this matter. He says, and says with great truth, that, if the remark was not made under the impression that there was a discrepancy, he does not know what it was made for. I state distinctly that I do believe there is a difference, and a very wide one, between the position assumed by the honorable Senator in 1848 and the position assumed by him a few days since. If I am mistaken in this, I am not alone in it. The whole country, sir, so understands it, I think. There have been the most flattering words, the highest commendations bestowed upon the honorable Senator for the position he has taken in 1850, from sources where, for the first time in his life, he has had any thing savoring of commendation. It will be found in a newspaper published in this city, the most constant, most uniform, and most unscrupulous in abusing without measure every man from the North, that has stood up for Northern rights, and the honorable Senator among the rest, until the speech made the other day; I allude to the *Union*. And now, all at once, it seems as if the vocabulary of adulation was exhausted to find commendation to bestow upon the honorable Senator for the course which he took in that speech, by a paper which, up to that moment, had constantly and continually abused him, and not only him but every man who stood with him. If I am mistaken, this very astute and sagacious editor is mistaken, and the whole country is mistaken also.

"But, sir, I have impugned and impeached no man's motives. I would almost sooner lose my life than to suggest that the honorable Senator, in

making the change, has been governed by any thing but the high and patriotic motives which have been imputed to him and the honorable Senators who have made an effort to settle this distracting question, which disturbs the country; but I cannot shut my eyes to the convictions of my own judgment, and when I see a man occupying the position which the honorable Senator occupies—a man whose fame is part of the inheritance of every son of New Hampshire, at least, if not of the whole country; when I see him taking a course calculated in my judgment to sacrifice interests which are dear to every Northern man; when I see him in the great contest now in issue—when the eyes of Christendom are fastened upon us, and on which the interests of unborn millions, throughout the countless generations in which the world shall exist, are suspended, when I see a man occupying such a position, in a contest like this, taking a course different from that which he has hitherto pursued, I cannot shut my eyes to the fact; and I have simply called attention to it, without suggesting any thing improper or discourteous toward him; and I think, if any issue is to be made between my candor and intelligence, and that of anybody else, in this matter, that the verdict of the country must be, that there is a wide difference between the position occupied by the honorable Senator now and that which he occupied in 1848.

Mr. Webster: "This is not a question of motives: I do not throw myself back for protection upon the purity of motives; it is a question of opinion—a question of consistency. The gentleman says that he quoted the extract without saying that there was any inconsistency about it; yet his whole argument now is, to prove that there is such inconsistency. He says, the whole country thinks so too. I do not take that gentleman's understanding of the opinion of the whole country as authentic, nor do I think him a competent witness to prove what the whole country's opinion is, in regard to the consistency of my opinions. He can speak for himself and state his own impressions; but he is taking rather too large a jurisdiction to himself, when he stands up here to speak for the whole country. I demur—I hesitate—I doubt—I repel any such authority of the honorable member. I leave it to the country to judge, and to speak its own opinions. I shall not say what is the sentiment of the country. I do not find myself competent to say, yet I trust I am nearly as competent as the member who undertakes to lay down what the sentiment of the whole country is. After all, sir, I believe it comes pretty much to this: The gentleman's observations, if they did not originate in, are somewhat tinctured by—they take a little flavor, an odor, a perfume from—the fact, not, it seems, at all agreeable to him, that a certain portion of the public press, which he says for a series of years has been unfavorable to me, now comes out in commendation of my speech and my sentiments."

It is quite apparent, therefore, that, in Mr. Webster's view when a transaction had been concluded, by which foreign terri

tory had been admitted into the Union as a State, through legislative proceedings, he was bound as a Senator to regard the question of constitutional power as settled. In the case of Texas, she was now in the Union, and, having been admitted under a compact which gave her the right to divide herself into several new States, with slavery, if the inhabitants should choose to have it, Mr. Webster held the faith of the Government pledged to the fulfilment of the stipulation. This was the exact ground on which he declared that, as to all the region comprehended within the limits of Texas, its character as free or as slave territory was now fixed by an irrepealable law. He pointed out that this would be the result, in 1848, after Texas had been finally admitted.[1]

To this it is needful to add nothing beyond the following private notes written in May, while the popular clamor in New England was directed against Mr. Webster's supposed inconsistency on the subject of Texas.

[TO MR. ——.]

"WASHINGTON, *May*, 1850.

"MY DEAR SIR: It is difficult to beat the truth into men's heads. Mr. ——'s is as hard as the rest. There is no inconsistency between my late speech and any thing said in my speech in 1845.[2]

"*Before* the act of December, 1845, passed, every thing was open, and unsettled. *After* the act, every thing was settled. *Before*, all was arguable; *after*, all was concluded by positive law.

"This is the whole of it. Do please write one column 'opening up' the matter to the comprehension of such men as Mr. ——. Pound hard upon the enormous thickness of their skulls.

"Yours,

"DANIEL WEBSTER."

[TO MR. ——.]

"WASHINGTON, *May* 24, 1850.

"MY DEAR SIR: . . . The resolutions of March, 1845, *contemplated a further action of Congress*. The contract for the admission of Texas was not an *executed* contract, a *consummated* contract, till the resolution of December, 1845, had passed Congress, and been approved.

"An 'overture' had been made; it had been accepted; still it all rested in contract, *in agendo*, till the Final Act.

[1] Works, v., 288, *et seq.*

[2] Speech of December 22, 1845, on the final resolution admitting Texas. Works, v., 55, *et seq.*

"A man makes an 'overture' to sell his estate, and make the regular deed. His 'overture' is accepted; but still the business is not finished, the thing is not done, till the conveyance is actually made.

"The manner in which this transaction was considered may appear from this. Thirteen Whig members of the Senate, of whom Mr. Webster was one, felt quite at liberty to vote against the resolution of December 29, 1845; but no one of them would now say that the resolution of 1845 left any thing open, or undecided, debatable, disputable, or in any way avoidable. For instance, see Mr. Phelps's vote. [Senator from Vermont.]

"It may be well to look at Mr. Polk's annual message, December, 1845.

"Yours truly, and thanks to the fair transcriber,

"D. Webster."

But, of all the topics of popular agitation concerning this speech, that which related to the proposed new law for the extradition of fugitive slaves was the most fruitful of denunciation in New England and in some localities elsewhere in the North.

Individuals, presses, and communities became so violent, and so much excited on this subject, that all just discrimination, all fairness of judgment, and all candor, were lost sight of. There was thus produced a temper in the public mind which led, after the law had been enacted, to concerted resistance to its execution, making it necessary for the Executive to enforce it by extraordinary measures.

Mr. Webster's course on this subject was governed entirely by the necessity which had arisen for further provisions of law, to carry into effect the requirement of the Constitution. As early as February, he had prepared a bill of his own, in which he had inserted a provision for a trial by jury, in case the alleged fugitive, after arrest, should deny the fact that he owed service to the claimant.[1] He had not, however, offered this bill in the Senate, when he made his speech on the 7th of March; and the bill then pending was that of Mr. Mason, which did not secure a trial by jury. But, when Mr. Webster declared it to be his purpose to support Mr. Mason's bill, he did so with the qualification that he should seek to amend it. On the 3d of June, he presented his own bill to the Senate, Mr. Mason's not having then been acted upon. But, Mr. Webster did not propose this provision of a trial by jury because he thought that it was required by any part of the Constitution, but be-

[1] See Works, v., 373, for a copy of this bill.

cause he wished it to be considered by the Senate whether it was not both practicable and expedient to make this provision. No attention, however, was paid to his efforts in this direction, by the objectors in New England, or, if they were noticed at all, it was only for the purpose of charging him with inconsistency: one of the great topics of agitation, both before and after the enactment of the law proposed by Mr. Mason, being the omission of the jury trial, and the commission of the whole question to the decision of a magistrate. What Mr. Webster's opinions on this part of the question were, can be best understood by citations from his public and private correspondence.

In a public letter addressed on the 15th of May to certain citizens of Newburyport, who had expressed to him their approval of his speech, after giving the history of the law of 1793, which provided for the surrender of fugitives from justice and from service, and which all New England had sanctioned, he said:

"I am not aware that there exists any published account of the debates on the passage of this act. I have been able to find none. I have searched the original files, however, and I find among the papers several propositions for modifications and amendments, of various kinds; but none suggesting the propriety of any jury trial in the State where the party should be arrested.

"For many years, little or no complaint was made against this law, nor was it supposed to be guilty of the offences and enormities which have since been charged upon it. It was passed for the purpose of complying with a direct and solemn injunction of the Constitution; it did no more than was believed to be necessary to accomplish that single purpose; and it did that in a cautious, mild manner, to be everywhere conducted according to judicial proceedings.

"I confess I see no more objection to the provisions of this law than was seen by Mr. Cabot and Mr. Strong, Mr. Goodhue and Mr. Gerry; and such provisions appear to me, as they appeared to them, to be absolutely necessary, if we mean to fulfil the duties positively and peremptorily enjoined upon us by the Constitution of the country. But, since the agitation caused by abolition societies and abolition presses has to such an extent excited the public mind, these provisions have been rendered obnoxious and odious. Unwearied endeavors have been made, and but too successfully, to rouse the passions of the people against them; and under the cry of universal freedom, and under that other cry, that there is a rule for the government of public men and private men, which is of

superior obligation to the Constitution of the country, several of the States have enacted laws to hinder, obstruct, and defeat the enactments in this act of Congress, to the utmost of their power. The Supreme Court of the United States has solemnly decided that it is lawful for State officers and State magistrates to fulfil the duties enjoined upon them by the act of Congress of 1793, unless prohibited by State laws; and thereupon prohibitory State laws have been immediately passed, inflicting fine and imprisonment on all State officers and magistrates who shall presume to conform to these requisitions of the act of Congress. And these prohibitory and penal laws of the States have rendered it imperative in Congress to make further and other provisions for carrying into effect the substantial intention of the act of 1793. This is the cause of the introduction into the Senate of a bill on the subject, recently, by the Committee on the Judiciary. Notwithstanding all that may be said by shallow men, ignorant men, and factious men, men whose only hope of making or of keeping themselves conspicuous is by incessant agitation and the most reckless efforts to alarm and misguide the people, I know of no persons, in or out of Congress, who wish any thing more to be done, on the subject of fugitives from service, than what is essentially necessary in order to meet the requirements of the Constitution, and accomplish the objects of the act of Congress of 1793. Whatever enactments may be deemed essential to this purpose, I, for one, shall certainly support, as I feel bound to do by my oath of office, and by every consideration of duty and propriety.

"As I have already said, the act of Congress of 1793 made no provision for any trial by jury in the State where the arrest of a fugitive is made. I have considered the subject with a conscientious desire to provide for such jury trial, if possible, in order to allay excitement and remove objections. There are many difficulties, however, attending any such provision; and a main one, and perhaps the only insuperable one, has been created by the States themselves, by making it a penal offence in their own officers to render any aid in apprehending or securing such fugitives, and absolutely refusing the use of their jails, for keeping them in custody till a jury could be called together, witnesses summoned, and a regular trial had. It is not too much to say that to these State laws is to be attributed the actual and practical denial of trial by jury in these cases. These ill-considered State laws it is which have absolutely deprived the alleged fugitive, as the case now stands, of any trial by jury, by refusing those aids and facilities without which a jury trial is impossible.

"But at the same time, nothing is more false than that such jury trial is demanded in cases of this kind by the Constitution, either in its letter or in its spirit. The Constitution declares that in all criminal prosecutions there shall be a trial by jury; the reclaiming of a fugitive slave is not a criminal prosecution.

"The Constitution also declares that in suits at common law the trial by jury shall be preserved; the reclaiming of a fugitive slave is not a suit

at the common law. And there is no other clause or sentence in the Constitution having the least bearing on the subject.

"I have seen a publication by Mr. Horace Mann, a member of Congress from Massachusetts, in which I find this sentence. Speaking of the bill before the Senate, he says: 'This bill derides the trial by jury secured by the Constitution. A man may not lose his horse without a right to this trial, but he may his freedom. Mr. Webster speaks for the South and for slavery, not for the North and for freedom, when he abandons this right.' This personal vituperation does not annoy me, but I lament to see a public man of Massachusetts so crude and confused in his legal apprehensions, and so little acquainted with the Constitution of his country, as these opinions evince Mr. Mann to be. His citation of a supposed case, as in point, if it have any analogy to the matter, would prove that, if Mr. Mann's horse stray into his neighbor's field, he cannot lead him back without a previous trial by jury to ascertain the right. Truly, if what Mr. Mann says of the provisions of the Constitution, in this publication, be a test of his accuracy in the understanding of that instrument, he would do well not to seek to protect his peculiar notions under its sanction, but to appeal at once, as others do, to that higher authority which sits enthroned above the Constitution and above the law....

"Now, the counterpart of the 'agitation' presents an equally singular and striking aspect, in the fact that the greatest clamor and outcry have been raised against the cruelty and enormity of the reclamation of slaves, in quarters where no such reclamation has ever been made, or, if ever made, where the instances are so exceedingly few and far between as to have escaped general knowledge. What, and how many, are the instances of seizure of fugitive slaves which have happened in New England? And what have been the circumstances of injustice, cruelty, and atrocity, attending them? To ascertain the truth in this respect, I have made diligent inquiry of members of Congress from the six New-England States. On a subject so general, I cannot be sure, of course, that the information received is entirely accurate, and therefore I do not say that the statement which I am about to present may be relied on as altogether correct; but I suppose it cannot be materially erroneous. The result, then, of all I can learn is this. No seizure of an alleged fugitive slave has ever been made in Maine. No seizure of an alleged fugitive slave has ever been made in New Hampshire. No seizure of an alleged fugitive slave has ever been made in Vermont. No seizure of an alleged fugitive slave has ever been made in Rhode Island, within the last thirty years. No seizure of an alleged fugitive slave is known to have been made in Connecticut, except one, about twenty-five years ago; and in that case the negro was immediately discharged for want of proof of identity. Some instances of the seizure of fugitive slaves are known to have occurred, in this generation, in Massachusetts; but, except one, their number and their history are uncertain. That one took place in Boston twelve or fifteen years ago; and in that case some charitably-disposed persons offered the owner a sum of money,

which he regarded as less than half the value of the slave, but which he agreed to accept, and the negro was discharged. A few cases, I suppose, may have occurred in New Bedford, but they attracted little notice, and, so far as I can learn, caused no complaint. Indeed, I do not know that there ever was more than a single case or two arising in that place. Be it remembered that I am speaking of reclamations of slaves made by their masters under the law of Congress. I am not speaking of instances of violent abduction and kidnapping, made by persons not professing to be reclaiming their own slaves.

"If this be a true account of all that has happened in New England within the last thirty years, respecting the arrest of fugitive slaves, and I believe it substantially is so, what is there to justify the passionate appeals, the vehement and empty declamations, the wild and fanatical conduct, of both men and women, which have so long disturbed, and so much disgraced, the Commonwealth and the country? What is there, especially, that should induce public men to break loose from all just restraint, fall themselves into the merest vagaries, and fan, with what they call eloquence, the fires, ever ready to kindle, of popular prejudice and popular excitement? I suspect all this to be the effect of that wandering and vagrant philanthropy which disturbs and annoys all that is present, in time or place, by heating the imagination on subjects distant, remote, and uncertain.

"It is admitted on all hands that the necessity for any legal provision for the reclaiming of fugitive slaves is a misfortune and an evil; as it is admitted, by nearly all, that slavery itself is a misfortune and an evil. And there are States in which the evil attending these reclamations is practically felt. But, where the evil really exists, there is comparatively little complaint, and no excitement."

[TO MR. ——, OF BOSTON.]

"WASHINGTON, *June* 1, 1850.

"MY DEAR SIR: The effusion of the *Atlas*, of which you sent me a slip, may receive an effectual reply.

"The *Atlas* complains that I speak derogatorily of Massachusetts, and deride her for shedding tears over Pennsylvania wrongs, etc., etc.

"Now two things:

1. "My remarks, from their nature, were applicable to the abolitionists and fanatics of Massachusetts, and were so intended.

2. "But Massachusetts, as a State, is answerable for what she does as a State. And what has she done? Let us see. The act of Congress for the reclamation of slaves was passed in 1793. All her eminent men in Congress at that day cordially concurred in it. For forty years and more they obeyed its injunctions, without complaint.

"At last, in 1843, she passed a law, making it penal in her officers and magistrates to obey the commands of this act of Congress; and thus deprived the owners of all remedy whatever, for the recovery of their fugi

tive slaves. By this penal act of the State, the Constitution and the law of Congress both became, in Massachusetts, a dead letter. Massachusetts, then, herself, disturbed a state of things which had continued for half a century, nearly, without complaint. And what led her to do this? No case of illegality, inhumanity, or cruelty, had occurred. No slave had been unjustly reclaimed. No actual injury or oppression had taken place.

"But agitation had arisen—theoretic, fanatical, and fantastical agitation—and under a loud cry of antislavery led away silly women and sillier men, who formed a considerable party, and both the great parties strove to see which could win this third party by the greatest yielding to its clamor and its nonsense. This ought to be presented as the real *causa causans* of the Massachusetts act of 1843.

"Now it should be put strongly to the *Atlas* to say why this law was passed? What new grievance had sprung up under the act of Congress? If the Massachusetts law had not been passed, there would have been no occasion, so far as she was concerned, of any further legislation by Congress. *It was her own legislation which made further legislation by Congress indispensable.*

"If this be put home to the *Atlas*, it can make no decent answer. You know, it never attempted any answer to your former article, respecting this State law, and its effects upon the act of 1793.

"The *Atlas* asks, if the cases of reclamation be so few, where is the necessity for a new law? The answer is, *because Massachusetts has done away with the old law altogether, and left the case wholly without any provision at all.*

"But now, let me say something, which is true, and perhaps the *Atlas*, if it replies, will let out, but which it may not be expedient for you, in your article, to bring out. John Davis told me, the other day, *that this act of Massachusetts was passed to retaliate on South Carolina for her law for the imprisonment of free blacks.* I think the law was passed *tempore* Marcus Morton; but that it had been talked of, and perhaps recommended, the year before, *regnante* John Davis. This should be looked into. The debates in the Legislature, and the party votes, etc., etc., should be hunted up. I have no doubt that the *Atlas* has now given you an opportunity for two columns of pretty conclusive matter; and much better than Mr. Webster's letter to the people at Newburyport. Pray lay out your strength upon it.

"Mr. [Edward] Curtis and I, and our wives, taking advantage of a recess in the Senate for three or four days, are going to Harper's Ferry, Winchester, and return, perhaps by Charlottesville. Give our love to the ladies. I suppose you will soon be by the sea-side.

"Yours truly,

"D. WEBSTER.

"Mr. ——.

"P. S.—If the *Atlas* shall answer, setting forth the real cause of passing the Massachusetts act, then this defender of Massachusetts will place her in a remarkable attitude."

[TO MR. —— OF BOSTON.]

"In the Senate, *June* 13, 1850.

"My dear Sir: Mr. Mann's second letter is sufficiently disingenuous, and remarkably feeble. The *Atlas*, I see, regards it as 'conclusive.' It will be 'conclusive,' I think, with sensible men, on the fairness and ability of the writer.

"I am writing a letter to the good people on the Kennebec, in answer to one from them. In this I may bestow three words on Mr. Mann, or I may not.[1] I must leave him, in effect, to friends in Massachusetts. I would be glad you would pay your respects to him, if you can find a place in his letter solid enough to strike. It seems to me, however, that any blows upon it would be like attempting to knock a feather-bed out of the way by a sledge-hammer. . . . Puff him off, by a breath, if you can bestow a few idle hours upon such a person.

"The letter, now in circulation in Massachusetts, will undoubtedly produce a good impression here. How far it may affect votes, we shall see. Certainly, no such paper was expected here.

"Nobody from New England, so far, has given me the succor of his vote. No matter. Sometimes a single man may do something. Do you remember a rather laughable argument, used by President Wheelock, to prove that the trustees of the college ought to have no power, and that the president should have all—all great things, he insisted, had been done always by a single mind. 'It was Jason,' said he, 'who stole the Golden Fleece, it was Hercules who slew the Lernæan tiger, and the Erymanthian boar!' But as for me, I shall seize on no golden fleece, though I may be obliged to encounter some Lernæan and some Erymanthian animals.

"I write this while General Houston is speaking loud, in answer to Mr. Benton, who spoke louder, on the Texan part of the Compromise Bill.

"I made a short speech, this morning—look for it in the *National Intelligencer*. If correctly reported, you will see in it a matter stated that a little chokes some people.

Yours,

"Daniel Webster.

"Mr. ——."

[TO THE SAME GENTLEMAN.]

"In the Senate, *June* 14, 1850.

"My dear Sir: I have received yours of the 12th. 'Mr. Mann's last' is *multum in parvo*. He is put in a mousetrap. The article on the clergy is excellent, and will do good.

"There are two topics, each of which requires an article from your pen, before you say 'Finis.'

1. "The *Atlas*, and other Whig papers, who find fault with my speech use always general terms.

[1] See *post*, p. 431.

"They 'do not agree with Mr. Webster.' 'The people of Massachusetts differ from Mr. W.'

"'Mr. Webster's propositions are new, and startling, and dissatisfactory.' Now, all this requires to be soberly considered. Why do not those, who complain, state some points in law or fact on which they can show Mr. W—— wrong? Why do they not, somewhere, confute Mr. Webster? Why do they not meet him, face to face, and enter into argument or discussion? 1. Let it be shown he is wrong in law; 2. In error, in fact; 3. Or guilty of some clearly-made-out inconsistency.

"The evil begins now to be felt, of making so many new States, free or slave. Please read my speech of 23d of March, 1848, which I send you.

"You will see some important suggestions in it, I think, and some little prophecy, not yet refuted by events.

"Yours truly,

"DANIEL WEBSTER.

"Mr. ——."

But, without anticipating further the course of things in Congress and in the country, I return to the period immediately following the delivery of the speech of March 7th.

It is not to be inferred, from what has now been said, that Mr. Webster was left without support and approbation among his constituents; and from other quarters of the Union there came to him, from men of prominence, and of all parties, excepting that which was carrying on the agitation against the "compromise measures," a vast weight of sympathy and approbation.[1]

[1] One of the most striking of the effects of Mr. Webster's speech was that produced upon men who had long been his political opponents on all public questions, and who had sometimes been very bitter toward him. Among these, I may refer to the Hon. Isaac Hill, of New Hampshire, who had, perhaps, said and written, in former years, more harsh things of Mr. Webster than any man who ever lived. Mr. Webster's well-known answer to a complimentary letter addressed to him by Mr. Hill is embraced in the sixth volume of his Works, p. 550. The following letter, from Mr. Hill to one of Mr. Webster's friends, refers to this correspondence:

[HON. ISAAC HILL TO MR. E. CURTIS.]

"CONCORD, NEW HAMPSHIRE, *May* 9, 1856.

"DEAR SIR: You will remember being present in the Senate-chamber on the exciting occasion of the reading of the last great public effort of that truly great, but, as I have believed, long-mistaken and now deeply-lamented man, John C. Calhoun, and the delicate compliment and intimation made by Mr. Webster at its close.

"My old resentments in opposition to nullification were revived, and expressed, perhaps, in your presence in the progress of that hearing; and *I* should, on the impulse of the moment, have answered Mr. Calhoun in a different temper. Mr. Webster's great speech was delivered two days after I left the city; and, on reading the first imperfect report of it, I at once saw how much better to the dying nervous man was his kindly answer than might have been my own. . . . I was much rejoiced to find Mr. Webster in nearly every particular occupying the ground I had steadily taken in public and private, ever since the moving of the Missouri agitation. He is right, if I know what is right; and the power he can exercise at the North, beyond any other man, in rectifying a vicious morbid public sentiment in this behalf, gave me a gratification that I could not repress.

"A friend of Mr. Webster, whose opinion I much respected, advised me to write him on the subject. I answered him that, although, being both of us enthusiastic on matters of agricultural renovation and improve-

At present, it is only necessary to notice what occurred in New England, soon after the speech. On the 25th of March, a formal address was sent to him from Boston, signed by a great number of its principal citizens, directly and emphatically approving this speech. He answered it on the 9th of April, declaring that, in his judgment, there was no sufficient cause for the continuance of the existing alienation between the North and the South.

Somewhat later he received a similar address from citizens of Newburyport, the answer to which has been quoted above; another from citizens of Medford, and still another from the inhabitants of the cities and towns on the Kennebec River, in Maine. To the latter he said:

"Gentlemen, one of the exciting questions of the present moment respects the necessity of excluding slavery, by law, from the Territories lately acquired from Mexico. If I believed in any such necessity, I should, of course, support such a law. I could not do otherwise, consistently with opinions very many times expressed, and which opinions I have no inclination to change, and shall not change. But I do not believe in any such necessity. I have studied the geography of New Mexico diligently, having read all that I could find in print on the subject, and inquired of many intelligent persons who have been in the country, traversed it, and become familiar with it.

"New Mexico may be considered as divided into two parts; one lying on the east side of the Rio Grande, below the Paso del Norte, which is claimed by Texas; the other extending along the river, on both sides, from Paso del Norte to the forty-second degree of north latitude, or the boundary of Oregon. Of this part, also, that which lies on the eastern side of the river is claimed by Texas. The whole extent of both parts can hardly be less than one thousand miles, and by the windings of the river much more. The southern part is far less mountainous than the northern; it has, nevertheless, mountain-peaks and mountain-ridges. From San Antonio de Bexar, which is a hundred miles north of the Gulf of Mexico, and near the western line of the actual settlements in Texas, it is five hun-

ment, we might agree on that topic, pertinacity on my part had hitherto forbidden all political fraternization, and that perhaps I had better not write.

"Seeing, however, in newspapers on both sides, censures of Mr. Webster and his motives which I believed to be undeserved—censures, too, which it required more moral courage [to meet] than even his long experience in public life would naturally produce—without further thought I took my pen and wrote the letter to him of which I did not even preserve a copy. Six days from its date brought me back the beautiful answer, of which I presume you can obtain a copy.

"You will be the best judge of the propriety of publishing that which was originally intended for the perusal of a single individual; it will do no violence to my feelings, if not only the two letters, but yours, and this answer, should go to the world together, through any medium you may select.

"I am, very respectfully,

"Your obedient servant,

"Isaac Hill.

"Hon. Edward Curtis."

dred and seventy miles to Paso del Norte, by a track or road recently explored, keeping east of the Rio del Norte, and south of the Guadalupe Mountains, the general direction of which road is west by north. This whole country is of very little value. The mountains are barren, and a great portion of the more level country is a mere desert of rocks and sand. Sometimes prairies are met with, producing grass in more or less abundance; but the decisive and fatal characteristic of the country is the want of water. In traversing the region, travellers not unfrequently find themselves without water for twenty or thirty miles, and sometimes even for longer distances. I think an exploring expedition, which within the last year passed along this route, found no water for seventy miles. It may be truly said, that here is a country of six hundred miles in extent, which, in its general character, must be described as a barren desert. I agree that, in a considerable part of this desert, African slave-labor is not necessarily excluded by the law of climate; the climate is mild enough; but all labor, free or slave, all cultivation whatever, is excluded, for all time, by the sterility of the soil, throughout this vast arid region. There may be trifling exceptions here and there, on the banks of some of the streams; but the general character, without doubt or question, is such as I have represented it. . . .

"My speech was delivered on the 7th of March. Speaking of what I thought the impossibility of the existence of African slavery in New Mexico, I said, 'I would not take pains uselessly to reaffirm an ordinance of Nature, or to reënact the will of God.' Everybody knew that, by the 'will of God,' I meant that expression of the Divine purpose in the work of creation which had given such a physical formation to the earth, in this region, as necessarily to exclude African slavery from it forever. Everybody knew I meant this, and meant nothing else. To represent me as speaking in any other sense was gross injustice. Yet, a pamphlet has been put into circulation, in which it is said that my remark is 'undertaking to settle by mountains and rivers, and not by the Ten Commandments, the question of human duty.' 'Cease to transcribe,' it adds, 'upon the statute-book what our wisest and best men believed to be the will of God, in regard to our worldly affairs, and the passions which we think appropriate to devils will soon take possession of society.' One hardly knows which most to contemn, the nonsense or the dishonesty of such commentaries on another's words. I know no passion more appropriate to devils than the passion for gross misrepresentation and libel. Others, from whom more fairness might have been expected, have not failed to represent me as arguing, or affording ground of argument, against human laws to enforce the moral laws of the Deity. Such persons knew my meaning very well. They chose to pervert and misrepresent it. That is all.

"In classical times there was a set of small, but rapacious critics, denominated *captatores verborum*, who snatched and caught at particular expressions; expended their strength on the *disjecta membra* of language; birds of rapine, who preyed on words and syllables, and gorged them-

selves with feeding on the garbage of phrases chopped, dislocated, and torn asunder, by themselves, as flesh and limbs are by the claws of unclean birds. Such critics are rarely more distinguished for their ability in discussion, than for that manly moral feeling which disdains to state an adversary's argument otherwise than fairly and truly, and as he meant to be understood. . . .

"Gentlemen, I will conclude this letter by a short reference to one other topic. A good deal of complaint has been manifested, as you know, on account of the opinions expressed in my speech respecting Texas, and the legal construction and effect of the resolutions by which she became annexed to the United States. Surprise and astonishment, and all the eloquence of capital letters and notes of admiration, have been summoned to mark the utterance of such new and startling sentiments. The truth is, however, that there is nothing new in the whole matter. The same view, substantially, of the resolutions of annexation had been taken, again and again, by myself and others.

"Gentlemen, I voted against the treaty by which these Territories were ceded by Mexico to the United States; and in open Senate, in a speech made on the 23d of March, 1848, I referred to Texas and to the resolutions of annexation. The speech was published in the newspapers, and circulated in pamphlet form, and read by everybody who chose to read it. In that speech you will find these words:

"'Now, sir, I do not depend on theory. I ask you, and I ask the Senate and the country, to look at facts, to see where we were when we made the departure three years ago, and where we now are, and I shall leave it to imagination to conjecture where we shall be.

"'We admitted Texas as one State for the present. But, if you will refer to the resolutions providing for the annexation of Texas, you will find a provision that it shall be in the power of Congress hereafter to make four other new States out of Texan territory. Present and prospectively, therefore, five new States, sending ten Senators, may come into the Union out of Texas. Three years ago we did that. Now we propose to make two States, for, undoubtedly, if we take what the President recommends, New Mexico and California each will make a State; so that there will be four Senators. We shall have, then, in this new Territory, seven States, sending fourteen Senators to this chamber. Now, what will be the relation between the Senate and the people, or the States from which they come?'

"You will see that here is the same opinion of the meaning of the resolutions of annexation, expressed nearly in the same words as are contained in my speech of the 7th of March last. And this only two years ago. But nobody then expressed either surprise or astonishment. There was no call to arms, no invocation of the genius of Liberty, to resist a false construction of an act of Congress; there were no stirring and rousing paragraphs in the newspapers, no patriotic appeals to the people, and no insane declarations, such as we now hear, that the Texan resolutions are utterly void.

"But, gentlemen, I will pursue no further a topic of some little interest to myself, but of no great importance to you or the country. I leave it with the single remark, that what was true in respect to the construction of an act of Congress in 1848, must be true in the same case in 1850; and, if an individual, on his own authority, may declare one act of Congress void, he may with equal propriety absolve himself from the obligations imposed on him by all other acts; and his oath binds him only to the observance of such laws as he himself approves. How far such a sentiment is fit to be acted on by men, or to be instilled into the minds of youth, the country must judge."

In the autumn, Mr. Webster had occasion to reply to a letter of the same kind from some of his New-Hampshire neighbors. To them he said, in the close of his answer:

"And now, friends and neighbors, I could pour out my heart in tenderness of feeling for the affectionate letter which comes from you. Approving voices have been heard from other quarters; other commendations have reached me, high enough and warm enough to demand, as they have received, my most grateful acknowledgment and regard. But yours comes from home; it comes from those whom I have known, and who have known me, from my youth.

"It is like the love of a family circle; its influences fall upon my heart as the dew of Hermon. Those of you who are advanced in age have known my father and my family, and especially that member of it whose premature death inflicted a wound in my breast which is yet fresh and bleeding. Some of you were my companions in the country schools; with others I have partaken in the sports of youth, the cheerful labors of the field of agriculture, and in the associations and exercises of early manhood. I see on the list learned, and now aged and venerable clergymen; professional gentlemen and magistrates, of my own age, whom I have long honored and esteemed; and others of all classes and all pursuits in life. There are on the list, also, not a few, who bear my name and partake my blood. What I was in early life you all know; toward what I may have done, at subsequent periods, for the good of the country, you have ever manifested sufficiently favorable and partial regard; and now, after I have been called upon to act a part in a more important crisis, perhaps, than any other of my life, your kind regard, your neighborly recognition of former days and former friendships, and the affectionate terms in which you express yourselves, make your letter a treasure, precious in my esteem, which I shall keep near me always while I live, and leave for the gratification of those who may come after me."

It is now necessary to recur to the proceedings of the Senate. On the 12th of March, Mr. Foote endeavored to obtain some action upon his resolution to send all the questions relating to

slavery to a committee of thirteen. On the 13th, Mr. Webster, after having said that he should not oppose this course, expressed great doubt, from what had been witnessed during the past two months, of the expediency of attempting to settle these questions by resolutions; and, concerning California, he thought the proper course was to admit her just as she presented herself, as a separate measure, and with the boundaries which she proposed.

On the last day of March, Mr. Calhoun, who had not been in the Senate since Mr. Webster spoke on the 7th, died in Washington, at the age of sixty-eight. He was but a few months younger than Mr. Webster; both were several years younger than Mr. Clay.

On the announcement of Mr. Calhoun's death in the Senate, Mr. Webster, following Mr. Clay, said:[1]

"I hope the Senate will indulge me in adding a very few words to what has been said. My apology for this presumption is the very long acquaintance which has subsisted between Mr. Calhoun and myself. We are of the same age. I made my first entrance into the House of Representatives in May, 1813. I there found Mr. Calhoun. He had already been a member of that body for two or three years. I found him an active and efficient member of the assembly to which he belonged, taking a decided part, and exercising a decided influence, in all its deliberations.

"From that day to the day of his death, amidst all the strifes of parties and politics, there has subsisted between us, always, and without interruption, a great degree of personal kindness.

"Differing widely on many great questions respecting our institutions, and the government of the country, those differences never interrupted our personal and social intercourse. I have been present at most of the distinguished instances of the exhibition of his talents in debate. I have always heard him with pleasure, often with much instruction, not unfrequently with the highest degree of admiration.

"Mr. Calhoun was calculated to be a leader in whatsoever association of political friends he was thrown. He was a man of undoubted genius and of commanding talent. All the country and all the world admit that. His mind was both perceptive and vigorous. It was clear, quick, and strong.

[1] During Mr. Calhoun's last days, while conversing about the public men with whom he had been associated, he said: "Mr. Webster has as high a standard of truth as any statesman with whom I have met in debate. Convince him, and he cannot reply; he is silent; he cannot look *truth* in the face and oppose it by argument. I think that it can be readily perceived by his manner, when he felt the unanswerable force of a reply." [See a letter from the Hon. A. W. Venables, in Mr. Webster's Correspondence, ii., 371.]

"Sir, the eloquence of Mr. Calhoun, or the manner of the exhibition of his sentiments in public bodies, was part of his intellectual character. It grew out of the qualities of his mind. It was plain, strong, terse, condensed, concise; sometimes impassioned—still always severe. Rejecting ornament, not often seeking far for illustration, his power consisted in the plainness of his propositions, in the closeness of his logic, and in the earnestness and energy of his manner. These are the qualities, as I think, which have enabled him through such a long course of years to speak often, and yet always command attention. His demeanor as a Senator is known to us all—is appreciated, venerated by us all. No man was more respectful to others; no man carried himself with greater decorum, no man with superior dignity. I think there is not one of us but felt, when he last addressed us from his seat in the Senate—his form still erect, with a voice by no means indicating such a degree of physical weakness as did in fact possess him, with clear tones, and an impressive, and, I may say, an imposing manner—who did not feel that he might imagine that we saw before us a senator of Rome, when Rome survived. Sir, I have not, in public nor in private life, known a more assiduous person in the discharge of his appropriate duties. I have known no man who has wasted less of life in what is called recreation, or employed less of it in any pursuits not connected with the immediate discharge of his duty. He seemed to have no recreation but the pleasure of conversation with his friends. Out of the Chambers of Congress, he was either devoting himself to the acquisition of knowledge pertaining to the immediate subject of the duty before him, or else he was indulging in those social interviews in which he so much delighted.

"My honorable friend from Kentucky has spoken in just terms of his colloquial talents. They certainly were singular and eminent. There was a charm in his conversation not often found. He delighted, especially, in conversation and intercourse with young men. I suppose that there has been no man among us who had more winning manners, in such an intercourse and such conversation, with men comparatively young, than Mr. Calhoun. I believe one great power of his character, in general, was his conversational talent. I believe it is that, as well as a consciousness of his high integrity, and the greatest reverence for his talents and ability, that has made him so endeared an object to the people of the State to which he belonged.

"Mr. President, he had the basis, the indispensable basis, of all high character; and that was, unspotted integrity—unimpeached honor and character. If he had aspirations, they were high, and honorable, and noble. There was nothing grovelling, or low, or meanly selfish, that came near the head or the heart of Mr. Calhoun. Firm in his purpose, perfectly patriotic and honest, as I am sure he was, in the principles that he espoused, and in the measures that he defended, aside from that large regard for that species of distinction that conducted him to eminent stations for the benefit of the republic, I do not believe he had a selfish motive or a

selfish feeling. However, sir, he may have differed from others of us in his political opinions or his political principles, those opinions and those principles will now descend to posterity, and under the sanction of a great name. He has lived long enough, he has done enough, and he has done it so well, so successfully, so honorably, as to connect himself for all time with the records of his country. He is now an historical character. Those of us who have known him here will find that he has left upon our minds and upon our hearts a strong and lasting impression of his person, his character, and his public performances, which, while we live, will never be obliterated. We shall hereafter, I am sure, indulge in it as a grateful recollection that we have lived in his age, that we have been his contemporaries, that we have seen him, and known him. We shall delight to speak of him to those who are rising up to fill our places. And, when the time shall come that we ourselves shall go, one after another, in succession, to our graves, we shall carry with us a deep sense of his genius and character, his honor and integrity, his amiable deportment in private life, and the purity of his exalted patriotism."

On the 4th of April, Mr. Webster again had occasion to press upon the consideration of the Senate the propriety of acting upon the admission of California. In the conclusion of his remarks, he said:

"I wish this body to come to a conclusion upon California; my opinion is made up. I wish this body to come to a conclusion upon the character of the Territorial bills. I am willing to act upon them on the principles and opinions which I have already avowed; and I do apprehend, sir, an entire concurrence in these opinions by a majority of this body; and my conviction is, that, when these bills shall come up, and this body shall come to a decision upon them—upon what may be called the contested part of them—the majority of this body will come to a conclusion exceedingly useful to the country, in extending to it more harmony, quiet, and satisfaction.

"Sir, I desire—if I may say so—to preserve the credit of this great Republican Government in the estimation of men all over the world. I do not wish to hear it said on the other side of the Atlantic, that this great, constitutional, free, representative Government cannot go on with certainty and dispatch, and without impediment; that it is liable to a great hiatus every now and then; that the great principle of free government is likely, after all, not to be satisfactorily exemplified in this great republic, as its friends at home and abroad have fondly hoped and predicted. I am desirous that we should take such a course in regard to these exciting questions as will enable us to dispose of them, and to resume and go through with our ordinary duties of legislation. And I will take occasion to say, sir, that I do not expect to see harmonious legislation, upon any of the subjects which touch the great interests of the country, until this question

shall be settled. There are great questions—highly important questions—for the decision of which the country, North and South, and in the centre, have looked with great interest to the action of Congress at this session. For one, I despair of any wise, and temperate, and just legislation, until these disturbing questions be removed; and therefore I wish that the questions that have been brought upon us by the events of the last two or three years, somewhat unexpectedly, shall be settled. I wish them to be settled upon the true principles of the Constitution of the United States. I want no new platform. I ask no new concessions on one side or the other—no new compromises; the Constitution is enough, it is broad enough, full enough, efficient enough; and if we can bring ourselves to act with moderation, and temperance, and candor, and magnanimity, and I will add, with what is equally important, a fraternal regard and sympathy upon the questions before us, in the spirit of the Constitution, we shall be able to rescue the country from its present perils. We who sit here, clothed with this high authority for the moment, are, I firmly believe, able to rescue the country from its present embarrassing condition, and to satisfy the public judgment and the public feeling of the extreme North and the extreme South and from one ocean to the other.

"Sir, I beg the indulgence of the Senate, for wandering into these general remarks. I had no intention to do so when I rose; but I must now express my sincere, deliberate conviction, that our true course is to proceed onward, step by step, with the great subjects that have been devolved upon us by recent events, by the acquisitions that have been made by this Government of these great Territories, and to take them up, and act upon one and all in the spirit which the Constitution of the United States prescribes to us all, enjoins upon us all, as it is our duty to conform to that spirit in all our legislation.

"Well, when gentlemen shall have satisfied themselves on these propositions, and when, as I have said, the movers of the propositions shall have had all the opportunity they desire for replying to the remarks that have been made, I shall feel it my duty to bring to the attention of the Senate practical measures, with the view to their being decided upon, one after the other, in the order in which they may have been presented."

From this time until the 18th, Mr. Webster steadily pressed on in the same course, entertaining the conviction that the proposed reference to a special committee was inexpedient, but not unwilling to have any course taken that was likely to result in some definite action. When the question was finally taken, he voted against the reference, but it was carried by a majority of eight Senators. On the 19th, he was elected one of the Committee of Thirteen, Mr. Clay being made chairman. Mr. Webster did not seek to be excused from serving on

the committee, but he went immediately to Massachusetts, where he remained until the 10th of May.

He arrived in Boston on the afternoon of Monday, the 29th of April. His coming had been announced in the newspapers, although no formal preparation was made to receive him. But at an early hour "Bowdoin Square," in front of the hotel where he was expected, was thronged, and by five o'clock every spot favorable for hearing or seeing him was occupied. He came from the railway in an open barouche, attended by a few personal friends. The multitude received him with every mark of respect. An informal address of welcome was made to him by Mr. Benjamin R. Curtis, in which the speaker alluded to the excited controversy then going on, and expressed "the abiding gratitude of the great party of the Union, for the ability and fidelity which Mr. Webster had brought to the defence of the Constitution."

Mr. Webster arose in the carriage and replied to this address, saying, that he had made an effort to allay excited feeling and to restore the legislation of the country to its "old harmonious way." He had believed that Massachusetts would approve of his "honest, cautious, and sincere exertion to allay the dissensions among the people of the country, and to restore Congress to its constitutional capacity for action." "But, however that may be," he added, "that effort I shall repeat. I shall persevere, regardless of all personal consequences. I shall support no agitations having their foundations in mere ghostly abstractions. I shall say nothing that may foster the unkind passions separating the North from the South. May my tongue cleave to the roof of my mouth, before it utters any sentiment which shall increase the agitation of the public mind on such a subject. The simple question is, whether Massachusetts—whether this old State, improved by two centuries of civilization—renowned for her intelligent character—conspicuous before the world—a leading State in this country ever since it was a country—a leading State in the Union since it was a Union—the simple question is, whether Massachusetts will conquer her local prejudices, will shrink from, or will come up to, a fair, reasonable, and moderate performance (and no more is asked) of her sworn obligations. In the mean time, I shall

take no step backward, but shall continue to labor for the restoration of peace, harmony, and concord. It is my desire to see that state of things produced in which, filling all hearts with gratitude, all bosoms with joy, illuminating all faces, spreading through all ranks of people, whether rich or poor, whether North, South, East, or West, there shall exist the balm of all our sufferings; the great solace of all our political calamities; the security of every thing prosperous and great in the future—and that is, the united love of a united government."

It would be difficult to say whether the tone and sentiment of these remarks were acceptable or distasteful to a majority of the people of Boston, at the moment. There was a large degree of local irritation about the peculiar topic of the surrender of fugitive slaves, which was diligently fomented by those who sought to continue the excitement; and the intimation, that Massachusetts had prejudices which needed to be conquered, of course could not be well received by those who felt that they were never wrong. But it was Mr. Webster's duty now to utter wholesome even if they were unwelcome truths; for he had been assailed with great injustice, and the issue was, whether he was to be sustained by the people whom he represented, in his efforts to preserve the Union, or whether that people were to array themselves in opposition to the only measures that could preserve it. For some time longer, in the particular community which he thus addressed with the loftiest independence that has been exhibited by any American statesman, this issue remained doubtful.

During this visit to Massachusetts, he wrote to Professor Stuart, of Andover, who brought to Mr. Webster's vindication the whole weight of his authority, learning, and character, throughout the entire controversy which followed the speech of the 7th of March.

[MR. WEBSTER TO PROFESSOR STUART.[1]]

"BOSTON, *April* 31, 1850.

"MY DEAR SIR: I cannot well say how much pleasure it gives me to see a name, so much venerated and beloved by me as yours is, on the letter recently received by me from friends in Boston and its vicinity, approv-

[1] The Rev. Moses Stuart, Professor in the Andover Theological Seminary.

ing the general object and character of my speech in the Senate, of the 7th of March. I know the conscientiousness with which you act on such occasions, and therefore value your favorable sentiments the more highly.

"Is it not time, my dear sir, that the path of Christian duty, in relation to great and permanent questions of government, and to the obligations which men are under to support the Constitution and the fundamental principles of the Government under which they live, should be clearly pointed out? I am afraid we are falling into loose habits of thinking upon such subjects; and I could wish that your health and strength would allow you to communicate your own thoughts to the public.

"We have established over us a much better form of government than may ordinarily be expected in the allotments of Providence to men; and it appears to me that the consciences of all well-meaning men and enlightened individuals should rather be called upon to uphold this form of government, than to weaken and undermine it by imputing to it objections, ill-considered and ill-founded, dangerous to the stability of all government, and not unfrequently the offspring of overheated imaginations.

"Allow me to conclude, my dear sir, by offering you my highest respects, and my affectionate good wishes for your health and happiness.

"D. Webster."

While Mr. Webster was absent at the North, the Committee of Thirteen altered their original plan, and put the admission of California, the organization of the other Territories, and the regulation of the boundary of Texas, into one bill. Their report was made on the 8th of May. Besides the bill for the accomplishment of these three objects, they recommended an amendment of the bill then before the Senate, respecting the extradition of fugitive slaves. The whole of the recommendations of the Committee embraced the following points: 1. The admission of any new State or States to be formed out of Texas, to be postponed until they should present themselves, when it would be the duty of Congress fairly and faithfully to execute the compact between Texas and the United States. 2. To admit California forthwith into the Union, with her proposed boundaries. 3. To establish Territorial governments for New Mexico and Utah, without the "Wilmot Proviso." 4. To combine the two last-mentioned measures into one bill. 5. To establish the western and northern boundaries of Texas, with a pecuniary equivalent to her for a surrender of her claim to any part of New Mexico, incorporating this provision in the

same bill with California and the Territorial governments. 6. To make more effectual provisions of law for the surrender of fugitives from service. 7. Without abolishing slavery in the District of Columbia, to prohibit the slave-trade in the District, under a heavy penalty. It would then die out.

Substantially, these recommendations in regard to California, Texas, and New Mexico, and the amendment of the law in regard to fugitives, accorded with what Mr. Webster had advised on the 7th of March; although he did not think it expedient to incorporate the first three of these measures into one bill. But he was disposed to acquiesce in any course that would produce finally the adjustment which he had advocated.

In the spring of this year an expedition, organized by Narcisso Lopez, secretly escaped from New Orleans, for Cuba, for the purpose of effecting a revolution in that island, and wresting it from the Government of Spain. President Taylor, as soon as he was informed of this event, dispatched a vessel-of-war to prevent the landing of the expedition, and, in case a landing had been effected, to prevent reënforcements of arms or provisions under the American flag from reaching the invaders. In the Senate, on the 21st of May, during a debate which arose upon a call for the instructions, Mr. Walker, of Wisconsin, proposed an amendment, to inquire of the President *by what authority* he had sent an armed vessel "to suppress this insurrection." In the course of the discussion Mr. Yulee, of Florida, said:

"I wish it, therefore, to be distinctly understood, and I so declare, that, according to my apprehension of the law, if the flag of revolution is once raised in the island of Cuba, from that moment it is the right of every American citizen to hire his vessel, or to sell it, to the revolutionary party, equally as to the other party, and to send, under the American flag, provisions and arms, and whatever else the revolutionary party may require, and can pay for. And, further, that every person who chooses to emigrate to the island, and to take part with either side, has the full right to do so, provided he chooses to incur the hazards of the contest. And I will say, further, that every American ship engaged in lawful commerce is entitled to be protected in its pursuit by the public force. I say, then, that the instructions, so far from being consistent with the rights of American citizenship and property, are in violation of those rights. I go further, and I say that the acts ordered to be done are acts of war. I say that the

President has undertaken to involve the country in the danger of a hostile collision without the authority of Congress, and therefore in violation of the Constitution. In support of this position, I have to refer back to the ground which I took just now, that the moment a revolutionary flag has been raised in the island a civil war is begun, and that, by the laws of nations, the respective parties in the struggle are to be regarded by all other people as belligerent powers. I say, then, that the order given to our fleet to go upon the coast of Cuba, where this war is raging, to take part in that war by preventing reënforcements and supplies for one party, and not the other, is a participation in the war; and, if the revolutionary party should be successful, it will justify them in treating the United States as an enemy, and in treating those engaged in such acts of hostility toward them with all the severity due to those taken with arms, *flagrante bello*."

After a claim so sweeping as this, Mr. Webster felt it to be necessary for him to come forward, and state the law on this whole subject, as he held it:

Mr. Webster: "Mr. President, I regret that the honorable member from Wisconsin (Mr. Walker) has thought it necessary to offer the amendment which he has proposed, because it seems rather offensive in its terms. It is not, perhaps, quite regular to demand by what authority an act has been done until the inquiry be first answered whether such an act has been done. I hope, therefore, that the honorable member will see the propriety of withdrawing the amendment. If he does not, however, I shall vote for the whole resolution.

"Mr. President, I am somewhat surprised at some of the propositions stated by the honorable member from Florida. He says it looks to him as if this were a declaration of war without the authority of Congress. Against whom? or against what country?"

Mr. Yulee: "Not a declaration of war. I said that the instructions involved an act of war."

Mr. Webster: "An act of war, then. Against whom? Against what government, what country, what colony, what province? It is important that we should govern ourselves by some distinct understanding of the neutral duties of this Government, and of the duties of all the citizens of this Government, established by standing law. If we mean to be neutral, as between a government and any party assailing it at home or abroad, we are to consider what our treaty stipulations are in the first place, and upon what relations we stand to the government of that country. Now, everybody knows the stipulations of peace, amity, and good-will, contained in all our treaties with Spain; and probably every member of the Senate knows that, in the diplomatic history of this country, at different times within the last thirty years, so far as the Executive Government could pledge the country to a particular line of policy, over and over, and over

again we assured the Government of Spain that, if Spain should not voluntarily relinquish Cuba to any European power, the United States would do to her every office of kindness and good-will to maintain her in possession of that island; that the United States would look with great jealousy and great alarm at any voluntary surrender of Cuba to a European power; and that, if Spain would abstain from that, she might be assured of the good offices and the good-will of the United States, and the friendship of the United States to maintain her in possession of the island. I do not mean to say how far those communications to the Spanish Government bind Congress or the country; I only mean to say that they have been made at different times, as far back, at least, as General Jackson's Administration; and they have been made for the purpose of impressing on Spain the great importance of our peace, and her regard for us; and of preserving that island in her possession, and under her authority. These significations of the purpose of the Executive Government have been uniform, and they have been published from time to time; and I never heard of a complaint of them in any part of the country.

"But now let us come to the direct question. What is it that is complained of? It is said that the President of the United States has directed a portion of the naval armament of the country to the coast of Cuba for a certain specific purpose; and, if the facts are as they are generally believed to be, for a purpose not only perfectly legal and perfectly constitutional to be executed on the part of the Executive of the Government, but a purpose made his special duty by positive statute. If there is any case, it is a case of this kind. A military expedition has been fitted out, or begun to be fitted out, in the United States, to act against the island of Cuba, now belonging to the Spanish Government. And it is not material, if such be the fact, if it be fitted out, or begun to be fitted out, or prepared according to the language of the statute, in the United States, whether by citizens of the United States or by others. The law prevents the thing being done in the United States. Now, I suppose that whatever action the President has taken on this subject is founded upon information that this is a military expedition, prepared and set on foot in the United States, in whole or in part. Well, then, if that be so, the law makes it his express duty, wherever he can exert the military and naval power, within the limits and jurisdiction of the United States, to exert it to defeat such an expedition. And, in the next place, if a United States vessel is found on the coast of Cuba, intending to violate this law of the country by helping to carry on a military expedition against Cuba, that vessel is just as much within the *jurisdiction* of the United States—for that is the word of the statute—as if she lay in the Potomac River. I suppose that nobody doubts now that the jurisdiction of the United States is in and over—protecting for the benefit of the United States, and protecting for the benefit of other countries—all that are under the flag of the United States, whether that flag float upon the sea or even in the harbor of a foreign port. I believe that, some time ago, an honorable member

from Ohio doubted that, and I believe that an honorable member from New York quoted the sentiment, and said that nobody believed it. However, I take it to be unquestionable law, settled upon the surest basis of the national code. If that be so, the President of the United States is bound in duty, wherever he finds the jurisdiction of the United States extending on the sea or on the land, if persons are engaged in violation of the law of Congress, by use of the naval and military power of the United States to prevent it.

"Such is the language of the law, 'by the military and naval armament of the United States.' And why is he to use the naval armament of the United States unless there is something that can be lawfully done with it upon the sea? I cannot persuade myself that the honorable member from Florida has read the Act of 1818 with his usual diligence and acuteness. I say that that act not only gives power to the President, but imposes it upon him as a duty, to preserve the peace of the country by suppressing every unauthorized expedition set on foot in the United States against any portion of a country, province, or colony, with which we are at peace.

"I will not go into this subject at any great length. But pray, what does the honorable member from Florida mean? How does he mean to be understood when he says that, at home, nothing could be done without process and warrant? That is not the language of the law, nor the language of the Constitution; nor is it consonant to our general ideas of the authority of the President under the Constitution. If an insurrection breaks out, may not the President suppress it by an armed force? If a squadron were coming up the Potomac River to burn the capital, may he not resist it with a naval force? If there were an insurrection of colored persons breaking out anywhere, threatening the overthrow of the laws and institutions of the country, must he stop for a warrant? Sir, it is made his duty to execute the laws; and, where there is an open, a flagrant, a dangerous violation of law, it is his duty to come with the proper force of the country to the rescue of the violated law, and to reassert and reëstablish it.

"I do not know what are the precise facts in this case, but I have no apprehension at all that it will be found that any thing has been done which should not have been done or that any thing is intended which should not be intended. I have not the least doubt that whatever has been done in the case has been done upon full consideration; and that the answer to this inquiry will show to the country that no step has been unadvisedly taken, and that no object has been cherished but the general, salutary, beneficial one of preserving the peace of the country.

"But the honorable gentleman went somewhat further. He says that, if a landing be made on the island of Cuba under the flag of the United States, it is a breaking out of civil war, in regard to which we must be neutral. Why, certainly we may be neutral if no act for carrying on that

invasion, and raising that flag of the United States in Cuba, has been done, or attempted to be done, or set on foot, or prepared, according to the language of the statute, in the United States."

Mr. Yulee: "The Senator seems to have understood me as saying the flag of the United States. I did not say so. I said that the moment the revolutionary flag was raised, there was a civil war, and there were two belligerent parties."

Mr. Webster: "It is the same thing. The honorable member says that, when a revolution breaks out, it is a civil war; and, in a civil war, we are bound to be neutral. Very well. But it is no neutrality at all to suffer preparations for war—military armaments—to be fitted out, and sent from this country to carry on that war. That certainly is not neutrality; and that is exactly what the statute of 1818 intended to prevent. It was that no such civil commotions should be aided by military armaments fitted out in the United States; that being supposed to be against the general law of neutrality.

"The honorable member, while speaking of the particular circumstances of this case, indulged in a general remark. He fears that there is a disposition (running through various acts of the present Administration) which inclines more to that side of these questions which is not the republican side. That is a matter of opinion into which I will not enter. It is not very pertinent to the question now before the Senate. I can only say that, for one, I have seen no evidence of such intention or sympathy manifested by the President of the United States. I believe he means to execute the laws of the country honestly, fairly, and firmly, as I hope he will do, as I trust he will do, as I believe he will do. As to the rest, sir, I know nothing to lead me to suppose that he is not as good a republican as any of us."

[TO MR. BLATCHFORD.]

"Washington, *May* 26, 1850, Sunday, Twelve o'clock.

"My dear Sir: We are all quite delighted to hear such good news from Mary. How I should like to be in Fourteenth Street, to join in her welcome!

"I suppose she must have come along with General Lopez![1] Did I not lay down the law in that matter in pretty good time?

"You do not read every thing; but you may read this speech some leisure hour.

"There is some historical matter in it. We are all well, and so are Mr. and Mrs. Curtis.

"Mary Scott is with us for a week or two.

"Yours always truly,

"Daniel Webster."

[1] He had been repulsed from Cuba and had returned to the United States

When the discussion came on in regard to the "compromise measures," and before Mr. Webster left the Senate, he had occasion three times to press steadily the principles of settlement which he had advised for the disposal of these complicated and irritating subjects. The first time was on the 13th of June, when a motion was pending made by Mr. Turney, of Tennessee, to strike out the section of the bill settling the boundaries of Texas. This would have been a very dangerous omission, and Mr. Webster successfully opposed it, in a short speech that is contained in the fifth volume of his Works.

On the 17th of June, an amendment was pending, moved by Mr. Soulé, of Louisiana, to insert in the bill a provision that the States formed out of New Mexico and Utah should have the right of making their own constitutions, and of presenting them to Congress, with or without a prohibition against slavery, as the people forming those States might see fit. This was but a superfluous assertion of the principle on which Mr. Webster and the committee had advised Congress to act. But, as it had been presented in this form, it was plain that, if Mr. Webster should vote against it, he would be open to the imputation of being willing to see accomplished in another way what he had declared he did not desire to accomplish, namely, the restriction of the "Wilmot Proviso." He, therefore, took this occasion to repeat the views which he had expressed on the 7th of March, and to say that, in rejecting the "Wilmot Proviso" from the Territorial bills, he had acted upon a full and deep conviction that it was unnecessary to exclude slavery from those Territories by Act of Congress, because there were sufficient natural causes which would by their own operation exclude it forever. This opinion he said had been strengthened by every thing he had since heard. Having declared that he should vote for Mr. Soulé's amendment, he said:

"I repeat again, I do it upon the exact grounds upon which I declared, upon the 7th day of March, that I should resist the 'Wilmot Proviso.'

"Sir, it does not seem to strike other Senators as it strikes me, but if there be any qualification to that general remark which I made, or the opinion which I expressed on the 7th of March, that every foot of territory of the United States has a fixed character for slavery or no slavery, if there be any qualification to that remark, it has arisen here, from what

seems to be an indisposition to define the boundaries of New Mexico; that is all the danger there is. All that is part of Texas was, by the resolutions of 1845, thrown under the general condition of the Texan Territory; and let me say to gentlemen, that if, for want of defining the boundaries of New Mexico, by any proceeding or process hereafter, or by any event hereafter, any portion which they or I do not believe to be Texas should be considered to become Texas, then, so far, that qualification of my remark is applicable. And, therefore, I do feel, as I had occasion to say two or three days ago, that it is of the utmost importance to pass this bill, to the end that there may be a definite boundary fixed now, and fixed forever, between the Territory of New Mexico and Texas, or the limits of New Mexico and the limits of Texas. Here the question lies. If gentlemen wish to act efficiently for their own purposes, here it is, in my poor judgment, that they are called upon to act. And the thing to be done, and done at once, is to fix the boundaries of New Mexico.

"Mr. President, when I see gentlemen from my own part of the country, no doubt from motives of the highest character and for most conscientious purposes, not concurring in any of these great questions with myself, I am aware that I am taking on myself an uncommon degree of responsibility. The fact, that gentlemen with whom I have been accustomed to act in the Senate took a different view of their own duties in the same case, naturally led me to reconsider my own course, to reëxamine my own opinions, to rejudge my own judgment. And now, sir, that I have gone through this process, without prejudice, as I hope, and certainly I have done so with the greatest feeling of regret at being called upon by a sense of duty to take a step which may dissatisfy some to whom I should always be desirous of rendering my public course, and every event and action of my public life, acceptable, yet I cannot part from my own settled opinions. I leave consequences to themselves. It is a great emergency, a great exigency, that this country is placed in. I shall endeavor to preserve a proper regard to my own consistency. And here let me say, that neither here nor elsewhere has any thing been advanced to show that on this subject I have said or done any thing inconsistent, in the slightest degree, with any speech, or sentiment, or letter, or declaration, that I ever delivered in my life; and all would be convinced of this if men would stop to consider and look at real differences and distinctions. But where all is general denunciation, where all is clamor, where all is idle and empty declamation, where there is no search after truth, no honest disposition to inquire whether one opinion is different from the other, why, everybody, in that way of proceeding, may be proclaimed to be inconsistent.

"Now, sir, I do not take the trouble to answer things of this sort that appear in the public press. I know it would be useless. Those who are of an unfriendly disposition would not publish my explanations or distinctions if I were to make them. But, sir, if any gentleman here has any thing to say on this subject, though I throw out no challenge, yet if any gentleman here chooses to undertake the task, and many there possibly

are who think it an easy task, to show in what respect any thing that I said in the debate here on the 7th of March, or any thing contained in my letter to the gentlemen of Newburyport, is inconsistent with any recorded opinion of mine since the question of the annexation of Texas arose, in 1837, I will certainly answer him with great respect and courtesy, and shall be content to stand or fall by the judgment of the country.

"Sir, my object is peace. My object is reconciliation. My purpose is, not to make up a case for the North, or to make up a case for the South. My object is not to continue useless and irritating controversies. I am against agitators, North and South. I am against local ideas, North and South, and against all narrow and local contests. I am an American, and I know no locality but America; that is my country. My heart, my sentiments, my judgment, demand of me that I shall pursue such a course as shall promote the good, and the harmony, and the union of the whole country. This I shall do, God willing, to the end of the chapter."[1]

While the friends of the so-called "compromise measures" were painfully working to carry them through the Senate, against both a Northern and a Southern resistance springing from very discordant motives, President Taylor suddenly died, on the 9th of July. What effect this event might produce, upon the course of public measures, was for a time extremely doubtful. General Taylor, according to a well-known description of his character by Mr. Webster, had a soldier's foresight, but not the foresight of a statesman. His policy, in relation to California and the Territories, announced at a very early period of the session, was embraced by that class of public men who were most in his confidence, and who were naturally prone to adhere to a policy because it was the President's. These persons, out of regard for consistency, would be likely to oppose the pending plan of settlement after the death of General Taylor, as they had opposed it before. Nor was it certain, at first, what course would be taken by the new President, or in what direction the influence of the Executive Department,

[1] After the opportunity thus given, no one came forward in the Senate, while Mr. Webster remained there, to call in question the propriety or consistency of his present course; but, in 1858, Mr. Seward spoke of Mr. Webster in the Senate, as "a great statesman, now dead, who for a large portion of his life led the vanguard of the army of freedom—of freedom in the Territories, of freedom in the States, and who, on the great day when the contest came to a decisive issue, surrendered that great cause then in his place, and derided the proviso of freedom, the principle of the ordinance of 1787."

Mr. Seward, as we have seen, in 1850, followed Mr. Webster in the debate, after the speech of March 7th, but he did not use such language to Mr. Webster living, as he used of Mr. Webster when dead.

which is always great in a critical state of affairs, would be exerted. Mr. Fillmore, as Vice-President, was not, however, personally identified with the peculiar policy of President Taylor; and his known moderation and wisdom, as well as the political relations in which he stood among the public men of his own great State, where there was a decided antagonism between himself and certain of the leading Whigs who did not concur in the proposed "compromise measures," led to the belief that his administration would be one standing in a very different attitude toward these measures from that of his predecessor. Mr. Fillmore was, moreover, a civilian and a statesman of large civil experience; one who would not be likely to overlook the consequences of a military collision between the United States and Texas, on the subject of boundary, nor one who would fail to see how the critical questions in relation to slavery might be adjusted by appropriate legislation. These expectations became at once confirmed, so soon as it was known that President Fillmore, after taking the oaths of office, had offered the Department of State to Mr. Webster. But, in the interval between the death of President Taylor and the announcement of this offer by President Fillmore, there was no inconsiderable danger that the extreme Southern Senators would join the extreme Northern members in admitting California, and in laying the Territorial bills on the table, to go over until the next session. But many senators of the Democratic party were disposed to give time for the character of the new administration to be developed; and, when it was known that Mr. Webster had been asked to accept the place of Secretary of State, a hope of the final success of all the pending measures was revived. This offer was made to Mr. Webster between the 16th and the 20th of July. With great reluctance, he consented to a demand which he could not well refuse. "I yielded," he wrote on the 21st, "to what has been suggested on so many sides, and gave up my own wishes to the wishes and opinions of my friends. I must leave myself in their hands. There is work enough before me, and anxious duty in plenty: but, if I can preserve my health, I will toil through a hot summer here, though I confess it does seem hard that, at my age, I cannot enjoy the comforts of my own home. I was persuaded

to think it was my duty, in the present crisis, to accept a seat in the cabinet, but it made my heart ache to think of it." [1]

To another friend he writes on the same day:

"My brain has been in such a whirl for a week that I have hardly been composed enough to write to anybody. I am well, and that is about all I can say of myself, except that I sometimes feel that I have done a very foolish thing. A hot and anxious summer is before me; I dread its heat and its fatigue, and I shrink from its responsible duties. Indeed, my dear sir, to give up home and rest for such a prospect of things is bad enough. But I must try to go through it." [2]

Before he left the Senate, he made one more effort to impress upon its members and upon the country the necessity for a final disposition of the "Compromise Measures."

In this speech, which was delivered on the 17th of July, after a frank and graceful tribute to the character of General Taylor, he proceeded to say:

"The longer we stay in the midst of this agitating subject, the longer the final disposition is postponed, the greater will be the intensity of that anxiety which possesses my breast. I wish, sir, so far as I can, to harmonize opinions. I wish to facilitate some measure of conciliation. I wish to consummate some proposition or other that shall bring opposing sentiments together, and give the country repose. It is not my purpose to-day to compare or contrast measures or plans which have been proposed. A measure was suggested by the President [3] in his message of 1848. The same measure, substantially, was again recommended by the late President [4] in his message of 1849. Then there is before us this proposition of the Committee of Thirteen. I do not regard these as opposite, conflicting, or, to use the language of the day, antagonistical propositions at all. To a certain extent they all agree. Beyond what was proposed, either by Mr. Polk or by the late President, this report of the committee, and the bill now before us, go another step. Their suggestions were, and especially that of the late President, to admit California, and for the present to stop there. The bill before the Senate proposes to admit California, but also to make a proper provision, if the Senate deem the provision proper, for the Territories of New Mexico and Utah. I confess, sir, my judgment from the first has been that it was indispensable that Congress should make some provision for these Territories; but I have been indifferent whether the things necessary to be done should be done in one bill or in separate bills, except that, as a matter of expediency, it was and has been

[1] Letter to Mr. Harvey, July 21st. Correspondence, ii., 378.
[2] Letter to Mr. Blatchford, July 21st.
[3] Mr. Polk.
[4] General Taylor.

my opinion from the beginning that it would have been better to have proceeded measure by measure. That was a matter of opinion upon the expediency of the course.

"I was one of the Committee of Thirteen. Circumstances called me to my home during its deliberations; and the general opinion of the committee at that time seemed to be, and I thought the better opinion, in favor of beginning with California, and then taking up the other measures in their order. Upon further consideration, the committee, very fairly, I doubt not, and in the exercise of their best judgment and discretion, thought fit to unite the three things which are in this bill. Well, sir, whether singly or together, each and every one of these objects meets my approbation; and they are all, in my judgment, desirable.

"In the first place, I think it is a desirable object to admit California. I do not conceal from myself, nor do I wish to conceal from others, that California is before us with some degree of irregularity stamped upon her proceedings. She has not been through the previous process of territorial existence. She has formed her constitution without our consent. But I consider, sir, that California, from the extraordinary circumstances which have attended her birth and progress to the present moment, entitles herself, by the necessity of the case, to an exemption from the ordinary rules. Who expected to see such a great community spring up in such an incredibly short time? Who expected to see a hundred or a hundred and fifty thousand people engaged in such an employment, with so much activity, and enterprise, and commerce, drawing to themselves the admiration and regard of the whole world in the period of a few months? Well, sir, she comes to us with a constitution framed upon Republican models, and conformable to the Constitution of the United States; and, under these circumstances, still regarding her application as premature and irregular, I am for admitting her, as there has been nothing done which her admission on our part will not cure. She will be lawfully in the Union if we admit her, and therefore I have no hesitation upon that point.

"Then, with respect to the Territories, I have been and I am of opinion that we should not separate, at the end of this session of Congress, without having made a suitable provision for their government. I do not think it safe to allow things to stand as they are. It has been thought that there may be such a thing as admitting California, and stopping there. Well, it is not impossible, in the nature of things, that such a course of policy should be adopted, if it would meet the proper concurrence. But, then, I have always supposed, sir, that, if we were now acting upon California as a separate measure, and should, in the prosecution of that measure, admit her into the Union, the inquiry would immediately arise, What is next to be done? I have never supposed that the questions respecting the Territories would thereby be put to rest, even for the present. I have supposed, on the contrary, that the very next thing to be done would be to take up the subject of a government for the Territories, and

prosecute that subject until it should be in some manner terminated by Congress, to the exclusion of all ordinary subjects of legislation. I am not authorized to state, sir, I do not know, the opinion of the honorable members of the Committee on Territories. The honorable member from Illinois, who is at the head of that committee, sits near me, and I take it for granted that he can say whether I am right or not in the opinion that, if we should this day admit California alone, he would to-morrow feel it his duty to bring in a bill for the government of the Territories, or to make some disposition of them.

Mr. Douglas (in a low voice): "Does the Senator wish an answer?"

Mr. Webster: "I should like to know the honorable member's purpose."

Mr. Douglas: "Mr. President, if California should be admitted by herself, I should certainly feel it my duty, as the chairman of the Committee on Territories, to move to take up the subject of the Territories at once, and put them through, and also the Texas boundary question, and to settle them by detail, if they are not settled in the aggregate, together. I can say such is the opinion and determination of a majority of the committee."

Mr. Webster: "Then, sir, it is as I supposed. We should not get rid of the subject, even for the present, by admitting California alone. Now, sir, it is not wise to conceal our condition from ourselves. Suppose we admit California alone. My honorable friend, from Illinois, brings in, then, a bill for a Territorial government for New Mexico and Utah. We must open our eyes to the state of opinion in the two Houses respectively, and endeavor to foresee what would be the probable fate of such a bill.

"If it be a bill containing a prohibition of slavery, we know it could not pass this House. If it be a bill without such a prohibition, we know what difficulty it would encounter elsewhere. So that we very little relieve ourselves from the embarrassing circumstances in which we are placed by taking up California, and acting upon it alone. I am, therefore, sir, decidedly in favor of passing this bill in the form in which it is upon your table.

"But, sir, if it be the pleasure of the Senate to approve the motion which is shortly to be made for laying this whole measure upon the table, and thereby disposing of this bill, I can only say, for one, that, if this measure be defeated by that proceeding, or any other, I hold myself not only inclined, but bound, to consider any other measures which may be suggested. The case is pressing, and the circumstances of the country are urgent. When have we ever before had any foreign question, any exterior question, if I may say so, that has occupied the consideration of Congress for seven months, and yet been brought to no result? When have we had a subject before us that has paralyzed all the operations of the Government, that has displaced the regular proceedings of the two Houses of Congress, and has left us, at the end of seven months of a session, without the ordinary annual appropriation bills? What is now pro

posed is, to make a Territorial government for New Mexico and Utah without restriction. I feel authorized to assume, from the circumstances before us, that it is in the power of gentlemen of the South to decide whether this Territorial government without restriction, as provided in the bill, shall be established or not. I have voted against restriction for the reasons which I have already given to the Senate, and may repeat; but it now lies with Southern gentlemen to say whether this bill, thus providing for Territorial governments without restriction, shall pass or not; and they will decide that question, doubtless, by reference to what is likely to happen if it should not pass.

"Now, sir, I am prepared to say, that, if this measure does not pass, I am ready to support other proper measures that can and will pass. I shall never consent to end this session of Congress until some provision is made for New Mexico. Utah is less important. Let her repose herself upon the borders of the Salt Lake another year, if necessary. But as to New Mexico, situated as she is, with a controversy on her hands with her more powerful neighbor, Texas, I shall never consent to the adjournment of Congress without a provision made for avoiding a collision, and for the settlement of the point in controversy, between that Territory and that State. I have the strongest objection to the premature creation of States. I stated that objection at length in the Senate some two years ago. The bringing in of small States with a representation in the Senate equal to the representation of the largest States in the Union, and with a very small number of people, deranges and disturbs the proper balance between the Senate and the House of Representatives. It converts the Senate into a kind of oligarchy. There may be six, or eight, or ten small States in the Southwest, having as many Senators in Congress as they have Representatives. This objection is founded upon the incongruity which such a case produces in the constitutional relation of the Senate and the House.

"It disfigures the symmetry of the Government; and in this respect it does not make the slightest possible difference, in my estimation, whether they are to be free States or slave States. I am not disposed to convert a Territory that is immature, and not fit to come into the Union on account of want of population, into a State, merely because it will be a free State. That does not weigh with me a hair. But my objection has been and is, as I have stated, or attempted to state, that the admission of States with so small an amount of population deranges the system. It makes the Senate what it was never intended by the Constitution to be. Nevertheless, sir, as I favor the admission of California, although she presents herself before us with some irregularities in her course of proceeding, so there are greater evils, in my judgment, than the admission of New Mexico as a State now, at once, or than the provision that she shall be admitted in a certain time hereafter. I do not think that so great an evil as it would be to leave New Mexico without a government, without protection, on the very eve of probable hostilities with Texas, so far as I can discern; for, to

my mind, there is the highest degree of probability that there will arise collisions, contests, and, for aught I know, bloodshed, if the boundaries of New Mexico are not settled by Congress.

"Sir, I know no question so important, connected with all these matters, as this settlement of the Texan boundary. That immediately and intimately, in my judgment, touches the question of the duration of peace and quiet in the country; and I cannot conceive how gentlemen, looking on that subject in all its aspects, can satisfy themselves with the idea of retiring from their seats here, and leaving it where it is. I should be derelict to my duty if I did not persist to the last in bringing it to a decision by the authority of Congress. If a motion be made, as it has been announced is intended, to lay this bill upon the table, and that motion prevails, this measure is at an end. Then there must be a resort to some other measures; and I am disposed to say that, in case of the failure of this bill, I shall be in favor of a bill which shall provide for three things: namely, the admission of California with its present constitution and boundaries, the settlement of the Texan boundary, and the admission of New Mexico as a State. Such a measure will produce a termination of the controversies which now agitate us, and relieve the country from distraction.

"Sir, this measure is opposed by the North, or some of the North, and by the South, or some of the South; and it has the remarkable misfortune to encounter resistance by persons the most directly opposed to each other in every matter connected with the subject under consideration. There are those (I do not speak, of course, of members of Congress, and I do not desire to be understood as making any allusion whatever, in what I may say, to members of this House or of the other), there are those in the country who say, on the part of the South, that the South by this bill gives up every thing to the North, and that they will fight it to the last; and there are those on the part of the North who say that this bill gives up every thing to the South, and that they will fight it to the last. And really, sir, strange as it may seem, this disposition to make battle upon the bill, by those who never agreed in any thing before under the light of heaven, has created a sort of fellowship and good feeling between them. One says, Give me your hand, my good fellow; you mean to go against this bill to the death, because it gives up the rights of the South; I mean to go against the bill to the death, because it gives up the rights of the North; let us shake hands and cry out, 'Down with the bill!' and then unitedly raise the shout—

> "'A day, an hour, of virtuous liberty,
> Is worth a whole eternity in bondage!'

Such is the consistency of the opposition to this measure.

"Now, sir, I ascribe nothing but the best and purest motives to any of the gentlemen, on either side of this Chamber, or of the other House, who take a view of this subject which differs from my own. I cannot but regret, certainly, that gentlemen who sit around me, and especially my

honorable colleague,[1] and my friends from Massachusetts in the other House, are obliged, by their sense of duty, to oppose a measure which I feel bound by my conscience to support to the utmost of my ability. They are just as high-minded, as patriotic, as pure, and every way as well-intentioned as I am; and, sir, if it were put to vote, and the question were to be decided by a majority, I must confess my friends from Massuchusetts would outvote me. But still my own opinions are not in the least degree changed. I feel that every interest of the State, one of whose representatives I am, as well as every great interest of the whole country, required that this measure, or some measure as healing, composing, and conciliatory as this, should be adopted by Congress before its adjournment. That is my object, and I shall steadily pursue it. Let us examine this. If I may analyze the matter a little, both in regard to the North and the South, Massachusetts, being a Northern State, may be taken as a representative of the Northern interests. What does she gain by this bill? What does she lose by it? If this bill passes, Massachusetts and the North gain the admission of California as a free State, with her present constitution, a very highly desirable object, as I believe, to all the North. She gains, also, the quieting of the New Mexican question and the Texas boundary, which, in my judgment, as I have already said, is the most important of all these questions, because it is the one most immediately menacing evil consequences, if such consequences be not arrested by this or some similar measure. She gains the quiet of New Mexico, and she gains the settlement of the Texas boundary, objects all desirable and most important. More than that, sir, she gains, and the whole North gains, and the whole country gains, the final adjustment of by far the greater part of all the slavery questions. When I speak of this bill in that connection, I mean also to connect it with the other subjects recommended by the committee; and I say that, if the whole report of that committee could be carried out, one of the greatest of all possible benefits will be secured; that is, the settlement, to an extent of far more than a majority of them all, of the questions connected with slavery which have so long agitated the country. And then, sir, Massachusetts, and the North, and the whole country, gain the restoration of this Government to the ordinary exercise of its functions. The North and the South will see Congress replaced in its position of an active, beneficial, parental legislature for the whole Union. Consider, sir, what has happened? While it is of the utmost importance that this restoration of Congress to the exercise of its ordinary functions should be accomplished, here we are, seven or eight months from the beginning of the session, hardly able to keep the Government alive. All is paralysis. We are nearly brought to a stand. Every thing is suspended upon this one topic, this one idea, as if there were no objects in government, no uses in government, no duties of those who administer government, but to settle one question. Well, sir, the next inquiry is, What do Massachusetts and the North, the antislavery States, lose by this adjust-

[1] Mr. Davis.

ment? I put the question to every gentleman here, and to every man in the country. They lose the application of what is called the 'Wilmot Proviso' to these Territories, and that is all. There is nothing else that I suppose the whole North are not willing to do, or willing to have done. They wish to get California into the Union and quiet New Mexico; they wish to terminate the dispute about the Texan boundary, cost what it reasonably may. They make no sacrifice in all these. What they sacrifice is this: the application of the 'Wilmot Proviso' to the Territories of New Mexico and Utah; and that is all. Now, what is the importance of that loss, or that sacrifice, in any reasonable man's estimate? Its importance, sir, depends upon its necessity. If, in any reasonable man's judgment, the necessity of the application of that proviso to New Mexico is apparent, why, then it is important to those who hold that the further extension is to be resisted, as a matter of principle. But if it be not necessary, if circumstances do not call for it, why, then there is no sacrifice made in refusing or declining to apply the 'Wilmot Proviso.'

"Now, sir, allow me to say that the Wilmot Proviso is no matter of principle; it is a means to an end; and it cannot be raised to the dignity of a principle. The principle of the North, I take to be, that there shall be no further extension of slave territory. Let that be admitted; what then? It does not necessarily follow that, in every case, you must apply the Wilmot Proviso. If there are other circumstances that are imperative and conclusive, and such as influence and control the judgment of reasonable men, rendering it unnecessary, for the establishment of that principle, to apply a measure which is obnoxious and disagreeable to others, and regarded by them as derogatory to their equality as members of the Union, then I say it is neither right, nor patriotic, nor just, to apply it.

"My honorable colleague admitted the other day with great propriety and frankness that, if it were certain, or if it could be made certain, that natural causes necessarily excluded slavery from New Mexico, then the restriction ought not to be inserted in the bill. Now, by certainty, I suppose my colleague meant not mathematical certainty; I suppose he meant that high probability, that moral certainty, which governs men in all the concerns of life. Our duties to society, our pursuits in life, are all measured by that high probability which is something short of mathematical certainty, but which we are bound to act upon in every daily transaction, either in a public or a private capacity. The question, therefore (I address myself to gentlemen of the North), is this: Is the probability of the exclusion of slavery from New Mexico by natural causes so high, and strong, and conclusive, as that we should act upon it as we act on the same degree of probability applied to other questions in civil, moral, and social relations? I shall not recur to what I have myself said, heretofore, on this subject; for I suppose my friend from Pennsylvania,[1] and my friend from Connecticut,[2] who discussed this matter latterly, have left it proved, and as much demonstrated as any problem of a moral and political character

[1] Mr. Cooper. [2] Mr. Trueman Smith.

can be demonstrated, that New Mexico is not a country in which slavery exists, or into which it ever can be introduced. If that were not so upon previous evidence, and if now any thing further need be added, we have before us to-day an authentic expression of the will of the inhabitants of the country themselves, who, it is agreed on all hands, have the ultimate right of decision on a subject that concerns themselves alone, and that expression is against slavery.

"What is it, then, that is yielded by the North but a mere abstraction, a naked possibility, upon which no man would act? No man would venture a farthing to-day for a great inheritance to be bestowed on him when slavery should be established in New Mexico. Now that there is an authentic declaration upon the subject by the people themselves, what is there that should lead us to hesitate in settling this matter? Why should we proceed upon the ground of adhering to the Wilmot Proviso as an abstract notion? And I must be permitted to say that, as applied to this case, it is all an abstraction. I do not mean to say that the injunction against slavery, in the Ordinance of 1787, was a mere abstraction; on the contrary, it had its uses; but I say the application of that rule to this case is a mere abstraction, and nothing else. It does not affect the state of things in the slightest degree, present or future. Every thing is to be now, and remain hereafter, with or without that restriction, just as it would the other way. It is, therefore, in my judgment, clearly an abstraction.

I am sorry, sir, very sorry, that my friend from Connecticut, who has studied this case a great deal more than I have, not only as a member of this body, but while he was a member of the other House, and has demonstrated, beyond the power of any conscientious man's denial, that there can be no slavery in the Territory about which we are speaking—that the South is mistaken in supposing it possible to derive any benefit from it, and that the North is mistaken in supposing that that which they desire to prohibit will ever need any prohibition there—I am sorry to see that my very able friend, having demonstrated the case, did not carry out his own demonstration.

"The expression of his purpose to vote against this bill followed one of the clearest and strongest demonstrations in its favor that I have heard from the mouth of any man. What is the reason of his opposition? Why, the gentleman said he was instructed by the Legislature of Connecticut to oppose it; and, on the whole, he did not feel it to be his duty to depart from those instructions.[1] . . .

"Sir, I am of opinion that every public consideration connected with the interests of the State, one of whose Representatives, and the most humble of them all, I am, shows the absolute necessity of settling this question at once upon fair and reasonable terms; the necessity of judging

[1] Here Mr. Webster entered into an elaborate refutation of the doctrine that a Senator is in all cases bound to carry out what are called instructions. See the speech, Works, v., 423 *et seq.*

subjects according to their real merit and importance, and acting accordingly; and that we should not be carried away by fancies of 'gorgons, hydras, and chimeras dire,' to the utter disregard of all that is substantially valuable, important, and essential in the administration of the Government. Massachusetts, one of the smallest States of the Union, circumscribed within the limits of eight thousand square miles of barren, rocky, and sterile territory, possesses within its limits, at this moment, nearly a million of people. With the same ratio of population, New York would contain nearly six millions, and Virginia more than seven millions. What are the occupations and pursuits of such a population on so small a territory? A very small portion of them live by the tillage of the land. They are engaged in those pursuits which fall under the control, protection, and regulation of the laws of this Government. These pursuits are commerce, navigation, the fisheries, and manufactures, every one of which is under the influence of the operation of Acts of Congress every day.

"On none of these subjects does Congress ever pass a law that does not materially affect the happiness, industry, and prosperity of Massachusetts; yes, and of Rhode Island too [looking at the Rhode-Island Senators].

"Is it not, then, of great importance to all these interests that the Government should be carried on regularly? that it should have the power of action, of motion, and legislation? Is it not the greatest calamity that it should be all paralyzed, hung up, dependent upon one idea, as if there was no object in government, no use in government, no desirable protection from government, and no desirable legislation by government, except what relates to the single topic of slavery?

"I cannot conceive that these great interests would be readily surrendered by the business men of the country, the laboring community of the Northern States, to abstractions, to naked possibilities, to idle fears that evils may ensue if a particular abstract measure be not passed. Men must live; to live they must work. And how is this to be done, if in this way all the business of society is stopped, and every thing is placed in a state of stagnation, and no man can even conjecture when the ordinary march of affairs is to be resumed? Depend upon it, the people of the North wish to see an end put to this state of things. They desire to see a measure of conciliation pass, and to have harmony restored; to be again in the enjoyment of a good government, under the protection and action of good laws; and that their interrupted labors may be profitably resumed, that their daily employment may return, that their daily means of subsistence and education for themselves and families may be provided. There has not been, in my acquaintance with the people of this country, a moment in which so much alarm has been experienced, so much sinking of the heart felt, at the state of public affairs, in a time of peace, as now. I leave it to others to judge for themselves, who may better know public opinion; but, for my part, I believe it is the conviction of five-sixths of the whole North, that questions such as have occupied us here should

not be allowed any longer to embarrass the Government, and defeat the just hopes of those who support it, and expect to live under its protection and care.

"I have alluded to the argument of my friend from Connecticut, because it is the ablest argument on this subject that I have heard; and I have alluded to his intimated vote, as illustrating what I consider the evil of instructing men, before a case arises, as to what shall be their conduct upon that case. The honorable member from Connecticut is as independent as any other man, and, of course, will not understand me to mean any thing personal in what I have said. I take his case merely as an illustration of the folly and absurdity of instructions. Why should a man of his strength of intellect, and while acting for the whole country, be controlled in his judgment by instructions given by others, with little knowledge of the circumstances, and no view of the whole case?

"I have now, Mr. President, said what I think the North may gain, and what it may lose. Now let us inquire how it is with the South. In the first place, I think that the South, if all these measures pass, will gain an acceptable and satisfactory mode for the reclamation of fugitive slaves. As to the territorial acquisitions, I am bound in candor to say, taking Maryland as an example, for instance, that Maryland will gain just what Massachusetts loses, and that is nothing at all; because I have not the slightest idea that, by any thing that we can do here, any provision could be made by which the Territories of New Mexico and Utah could become susceptible of slave labor, and so useful to the South. Now, let me say, Mr. President, with great respect and kindness, that I wish Southern gentlemen should consider this matter calmly and deliberately. There are none in this Chamber, certainly, who desire the dissolution of this Union, nor in the other House of Congress. But all the world out of doors is not as wise and patriotic as gentlemen within these walls. I am quite aware that there are those who raise the loudest clamor against the Wilmot Proviso and other restrictions upon slavery, that would be exceedingly gratified, nevertheless, to have that restriction imposed. I believe there are those scattered all along from here to the Gulf of Mexico who would say, 'Let them put on further restrictions, let them push the South a little further, and then we shall know what we shall have to do.' But, again, the Southern States gain what they think important and gratifying; that is, an exemption from a derogatory inequality. They find themselves placed where they wish to be placed, and, as far as the Territories are concerned, relieved from what they consider the Wilmot yoke. This appeases a feeling of wounded pride; and they gain, too, the general restoration of peace and harmony in the progress of the Government, in the beneficial operations of which they have a full share. One of the evils attendant upon this question is the harsh judgment passed by one portion of the Union upon another; founded, not on the conduct of the North or South generally, but on the conduct of particular persons or associations in each part respectively. Unjust charges are made by one

against the other, and these are retaliated by those who are the objects of them. Accusations made by individuals in the North are attributed by the South to the whole North indiscriminately. On the other hand, extravagant individuals at the South utter objectionable sentiments, and these are bruited all over the North as Southern sentiments, and therefore the South is denounced. In the same way, sentiments springing from abolitionists of the North, which no man of character and sense approves, are spread in the South; and the whole North are there charged with being abolitionists, or tinctured with abolitionism. It is a prejudice of which both sides must rid themselves if they ever mean to come together as brethren, enjoying one renown, one destiny, and expecting one and the same destiny hereafter. If we mean to live together, common prudence should teach us to treat each other with respect.

"The Nashville Address has been alluded to, and it has been charged upon the whole South as a syllabus of Southern sentiments. Now, I do not believe a word of this. Far be it from me to impute to the South, generally, the sentiments of the Nashville Convention. That address is a studied disunion argument. It proceeds upon the ground that there must be a separation of the States: first, because the North act so injuriously to the South that the South must secede; and, secondly, even if it were not so, and a better sense of duty should return to the North, still, such is the diversity of interest, that they cannot be kept together."

Mr. Barnwell (interposing): "Will the honorable Senator refer to that portion of the address which contains the sentiment which he declares implied the desire for disunion in any event whatever; for that I understand is the charge against the address?"

Mr. Webster: "What I understand about this address is this: I say the argument of the address is that the States cannot be kept together: because, first, the general disposition of the North is to invade the rights of the South, stating this in general language merely; and then, secondly, even if this were not so, and the North should get into a better temper in that respect, still no permanent peace could be expected, and no union long maintained, on account of the diversity of interests between the different portions of the Union. There is, according to the address, but one condition on which people can live together under the same Government; and that is when interests are entirely identical. An exact identity of interests, according to its notions, is the only security for good government."

Mr. Barnwell: "With regard to the first part, the honorable Senator is correct; and I have no doubt at all that it is the character of the address that, unless a great change be produced in the temper of the Northern people, and the treatment which they give to us on account of our institutions, no permanent union between us can exist. With regard to the latter part, I contend that the address contains no such sentiment. It states distinctly that, in the positions which the different portions of the Union occupy with regard to each other, with the want of that identity of interest between them, it is absolutely essential to the South

that its sectional interests should be independent of the control of the North."

Mr. Webster: "And what does that mean but separation?"

Mr. Barnwell: "Not at all. It means, what I have always alleged, that the North has no right to interfere with the institution of slavery. If that interference is stopped, we do not contend that there is any necessity for a dissolution of the Union. But if it is persisted in, then the opinion of the address is, and I believe the opinion of a large portion of the Southern people is, that the Union cannot be made to endure."

Mr. Webster: "It is hardly worth while, as the paper is not before us, for the honorable member from South Carolina and myself to enter into a discussion about this address. If I understand its argument, it is as I expressed it, that, even if the North were better behaved, there is a want of identity of interests between the North and the South, which must soon break up the Union. As far as regards the gentleman's remark that the North must abstain from any interference with the peculiar institutions of the South, why, every sensible man in the North thinks just so. I know that the sensible men of the North are of opinion that the institution of slavery, as it exists in the States, was intended originally to be, has ever been, and now justly is, entirely out of the scope and reach of the legislation of this Government; and this everybody understands.

"But I was saying that I can and shall impute no sentiment of disunion to the South, generally. Why, whom do I sit among? With whom have I been associated here for thirty years? With good Union men from the South. And in this Chamber, and in late years, have there not been men from the South who have resisted every thing that threatened danger to the Union? Have there not been men here that, at some risk of losing favor with their constituents, have resisted the Mexican War, the acquisition of territory by arms, nay, men who played for the last stake, and, after the conquest was made, resisted the ratification of the treaty by which these Territories were brought under the control of this Government? Sir, with these recollections, which do so much honor to the character of these gentlemen, and with these acts, which attest the entire loyalty of the great body of the South to the Union, I shall indulge in no general complaint against them; nor, so far as it comes within the power of my rebuke, will I tolerate it. They have the same interests, they are descended from the same Revolutionary blood, and believe the glory of the country to be as much theirs as ours; and I verily believe they desire to secure as perpetual an attachment to the North, as the most intelligent men of the North do to perpetuate such an attachment to the South. I believe that the great masses of the people, both North and South, aside from the influence of agitation, are for the Union and for the Constitution; and God grant that they may remain so, and prevent every thing which may overturn either the one or the other! . . .

Mr. Webster then proceeded to show the exaggerated sense

of the actual evil of the reclamation of fugitive slaves, felt by Massachusetts and other New-England States. The speech was closed as follows:

"Mr. President, it has always seemed to me to be a grateful reflection that, however short and transient may be the lives of individuals, states may be permanent. The great corporations that embrace the government of mankind, protect their liberties, and secure their happiness, may have something of perpetuity, and, as I might say, of earthly immortality. For my part, sir, I gratify myself by contemplating what in the future will be the condition of that generous State, which has done me the honor to keep me in the counsels of her country for so many years. I see nothing about her in prospect less than that which encircles her now. I feel that when I, and all those that now hear me, shall have gone to our last home, and afterward, when mould may have gathered upon our memories, as it will have done upon our tombs, that State, so early to take her part in the great contest of the Revolution, will stand, as she has stood and now stands, like that column which, near her capital, perpetuates the memory of the first great battle of the Revolution, firm, erect, and immovable. I believe, sir, that, if commotion shall shake the country, there will be one rock forever, as solid as the granite of her hills, for the Union to repose upon. I believe that, if disasters arise, bringing clouds which shall obscure the ensign now over her and over us, there will be one star that will but burn the brighter amid the darkness of that night; and I believe that, if in the remotest ages (I trust that they will be infinitely remote), an occasion shall occur when the sternest duties of patriotism are demanded and to be performed, Massachusetts will imitate her own example; and that, as at the breaking out of the Revolution she was the first to offer the outpouring of her blood and her treasure in the struggle for liberty, so she will be hereafter ready, when the emergency arises, to repeat and renew that offer, with a thousand times as many strong hands.

"And now, Mr. President, to return at last to the principal and important question before us, What are we to do? How are we to bring this emergent and pressing question to an issue and an end? Here have we been seven and a half months disputing about points which, in my judgment, are of no practical importance to one or the other part of the country. Are we to dwell forever upon a single topic, a single idea? Are we to forget all the purposes for which governments are instituted, and continue everlastingly to dispute about that which is of no essential consequence? I think, sir, the country calls upon us loudly and imperatively to settle this question. I think the whole world is looking to see whether this great popular government can get through such a crisis. We are the observed of all observers. It is not to be disputed or doubted that the eyes of all Christendom are upon us. We have stood through many trials. Can we not stand through this, which takes so much the character of a sectional controversy? Can we stand that? There is no inquiring man

in all Europe who does not ask himself that question every day, when he reads the intelligence of the morning. Can this country, with one set of interests at the South, and another set of interests at the North, and these interests supposed, but falsely supposed, to be at variance; can this people see what is so evident to the whole world besides, that this Union is their main hope and greatest benefit, and that their interests in every part are entirely compatible? Can they see, and will they feel, that their prosperity, their respectability among the nations of the earth, and their happiness at home, depend upon the maintenance of their Union and their Constitution? That is the question. I agree that local divisions are apt to warp the understandings of men, and to excite a belligerent feeling between section and section. It is natural, in times of irritation, for one part of the country to say, If you do that, I will do this, and so get up a feeling of hostility and defiance. Then comes belligerent legislation, and then an appeal to arms. The question is, whether we have the true patriotism, the Americanism, necessary to carry us through such a trial. The whole world is looking toward us with extreme anxiety. For myself, I propose, sir, to abide by the principles and the purposes which I have avowed. I shall stand by the Union, and by all who stand by it. I shall do justice to the whole country, according to the best of my ability, in all I say, and act for the good of the whole country in all I do. I mean to stand upon the Constitution. I need no other platform. I shall know but one country. The ends I aim at shall be my country's, my God's, and truth's. I was born an American; and I intend to perform the duties incumbent upon me in that character to the end of my career. I mean to do this, with absolute disregard of personal consequences. What are personal consequences? What is the individual man, with all the good or evil which may befall a great country in a crisis like this, and in the midst of great transactions which concern that country's fate? Let the consequences be what they will, I am careless. No man can suffer too much and no man can fall too soon, if he suffer or if he fall in defence of the liberties and Constitution of his country."

[TO MR. TICKNOR.]

"WASHINGTON, *July* 28, 1850.

"MY DEAR SIR: I have felt so much *ashamed*, since the 22d of this month, that I have not been able to write to anybody. But I must break the ice at some time, and may as well do it now. . . .

"I have just now corrected the proof of my last speech, and shall send you a copy in the course of the week. There is in it some pretty plain talk to Massachusetts. All is uncertain yet as to the fate of the Compromise Bill. The prospects change from day to day. It appears to me that our Northern Whig Senators are given over to judicial blindness. They actually coöperate and *caucus* with the disunion men of the South, to see how to keep up the contest, till this bill of peace can be defeated.

"At the end of the day they confer together, and arrange the plan of operations for the next day.

"But the friends of peace and union will persevere. If Congress should break up without accomplishing any thing, and without fixing an early day for the commencement of the next session, I trust the President will call them back. I trust he will have a heart like Pharaoh's, and 'will not let the people go.'

"The great point of difficulty is the Texan boundary; and that *must* be settled. I hope your wife and daughters are well, and keep cool. Mrs. Webster sends her best regards. 'I eagerly seize the occasion to renew assurances of the very highest,' etc., etc., etc.

"Daniel Webster."[1]

[1] The following letters, written by Mr. Webster to his friend Mr. Franklin Haven, after the death of President Taylor, have an important bearing upon a scandalous imputation referred to in the next chapter:

[To Mr. Haven.]

"Washington, *July* 11, 1850,
Thursday Morning, Eight o'clock.

"My dear Sir: It is not easy to say what will be the extent of the changes in consequence of General Taylor's death and Mr. Fillmore's accession. It is at this moment supposed that there will be an entirely new Cabinet. Certainly not more than one or two can remain. Who will succeed to the vacant places I have no means of saying with any certainty. One thing I feel sure of, and that is that they will be sound men. The President is a sensible man, and a Conservative Whig, and is not likely to be in favor of any 'isms' such as have votaries at the present day.

"I believe Mr. Fillmore favors the Compromise, and there is no doubt that recent events have increased the probability of the passage of that measure. Nothing will be done in Congress this week. The funeral ceremonies will take all that remains of it.

P. S.—Two o'clock: I am rather confirmed in the expectation of a total change. Beyond this I know little, and nothing which I can communicate. The idea is now general that the Compromise will go through. I have a few words to say on Monday or Tuesday.

"Yours truly,
"Dan'l Webster."

[To Mr. Haven.]

"Washington, *July* 12, 1850.

"My dear Sir: You will hear various rumors respecting appointments to the Cabinet, but none of them will deserve credit any further than they rest on general probability. Nothing is decided as yet. The present Cabinet have all tendered their resignations, but they will not be answered until after the funeral.

"The three important departments are State, Treasury, and Interior. I have no doubt some man known to be thoroughly sound in revenue matters will be appointed to the Treasury. As to the State Department, I have no idea who will have it, although, if the power were with me, I think I could find a man[1] without going out of Massachusetts, who has talent enough and knowledge enough; but whether he is at this moment so fresh in the minds of the people that his appointment would strike the public mind favorably may be a doubt. Nobody can well be Secretary of State who has not fortune, unless he be a bachelor. The Secretary of State is the head of the Administration, and he must have a house, sometimes to receive guests in. He is, of course, necessarily in daily communication with the diplomatic corps, which, I believe, is twice as numerous now as it was twenty years ago.

"My dear sir, you see the spirit of goodwill which is manifesting itself here. This is the golden hour of opportunity, be assured. The opposition gentlemen are determined, all the conservative part of them at least, to give the Administration fair play; and Mr. Fillmore is well intentioned and discreet. He will meet with annoyances from the rather overbearing spirit of a certain quarter, but I hope he will stand stiff. If he is successful in forming his Administration, I verily believe a prospect is before us for a better state of things than we have enjoyed for twenty years.

"Yours truly,
"Dan'l Webster."

[To Mr. Haven.]

"*July* 16, 1850, Tuesday Morning.

"My dear Sir: The President goes slow, but I trust will come out well. He will, undoubtedly, have a sound Cabinet, and one acceptable to all good Whigs. How able he may make it I cannot say. As yet, I believe he has not committed himself.

"I hope we shall at last finish this long-protracted measure in the Senate.

"The story, yesterday, was that the extreme South would join the extreme North, and lay the bill on the table, judging it the less evil, in their opinion, to let California come in at once, and the Territorial bills go over.

"Yours truly,
"Dan'l Webster."

On the 20th of July Mr. Webster sent a telegraphic dispatch to Mr. Ha-

[1] Mr. Everett.

When Mr. Webster became Secretary of State under President Fillmore, there was of course a great amount of unfinished business in that department; for the sudden breaking up of a Cabinet necessarily leaves a very different state of things from that which attends the close of an Administration at the regular periods. The account of the foreign and the domestic concerns which now demanded his attention must be embraced in the next chapter.

ven, communicating the fact that the Department of State had been offered to him, and that he had accepted it.

[TO MR. HAVEN.]

"WASHINGTON, *July* 21, 1850,
Sunday Morning, Six o'clock.

"MY DEAR SIR: You probably received a telegraphic dispatch from me yesterday. In the morning [of yesterday] I received your letter, and one from Mr. Mills, and one from Mr. Harvey; and I thought it better to decide at once, as affairs are pressing, and as the President, who had agreed that I might have time to go home before deciding whether I would take the office or not, felt some anxiety, nevertheless, about the delay, and was desirous that, if possible, I should accept at once. He behaved in the most handsome manner in all respects; and, when the proper time came, sent me word by a member of the Senate, offering me the Department of State, and desiring me to come to his house at once, and confer on other appointments. I am quite satisfied with the Cabinet in all respects. Mr. Fillmore is exceedingly cautious, and takes time for consideration; but he is not wanting in firmness, I think, and is a thorough Conservative Whig.

"I never did any thing more reluctantly than taking the office which I have taken. From the time of General Taylor's death I supposed it might be offered, and pressed hard upon me, by members of Congress. The fear rendered my nights sleepless. And, the truth is, I was so much urged on all hands that resistance was out of the case, except upon the grounds which the letters received yesterday removed.

"The old Cabinet quits to-morrow, and I suppose the new will be sworn in on Tuesday. It is likely enough that Mr. Ewing will be immediately appointed to the Senate by the Governor of Ohio, in Mr. Corwin's place. Unfortunately, the Governor of Maryland is not of our politics. I write, of course, to Governor Briggs, and shall look with interest to see whom he may send. You will smile on being informed that there were *some* New-England Whigs who expressed a wish to the President that I might not be appointed, as my appointment would appear to be an approval of my recent course in Congress, and of course, more or less of a censure on theirs. But you will be glad to know that Mr. Winthrop acted in the most friendly, open, and decided manner. He behaved like a man throughout.

"I am, dear sir, yours truly,
DAN'L WEBSTER.

"Mr. Haven.

"F. W. left Washington last evening, and will probably be in Boston when you receive this."

While this volume is passing through the press, Mr. Ketchum writes to me:

"I was in Washington when Mr. Fillmore appointed Mr. Webster Secretary of State, in July, 1850, and saw much of him. In one of his conversations with me, he spoke with great feeling of his 7th of March speech, which had brought upon him such an amount of criticism, not to say vituperation and persecution, especially among his former friends in New England, and particularly in Massachusetts. He was much affected; it was in his own house, and at the hour of midnight. He said: 'I have reviewed that whole proceeding, and I solemnly assure you that all is right *here*'—laying his hand on his breast. I was deeply impressed with the manner, as well as the matter, of this declaration; and it is impossible for me to forget it."

The following is an extract from a letter written by President Fillmore to the author of this work while the present edition was in the press:

"BUFFALO, *September* 2, 1871.

. . . "President Taylor's illness was so brief, and his death so unexpected, that I was taken wholly by surprise. About ten o'clock at night I received a request from his Cabinet to come to the Executive mansion. I went, and found the Cabinet in the council-room. They informed me that President Taylor was dead, and immediately presented their resignations. I took them, saying that I should not look at them until after the funeral. This I did to obtain a little time for reflection. Differing, as I did, on some points of policy from that of President Taylor's Administration, I felt constrained to accept the resignations (although I was pressed hard to refuse them) and to appoint a new Cabinet that should share with me the responsibility of the course I had determined to pursue. But this was an important movement that required more time than I had for consideration, and it must be decided by me alone; but I concluded at once to offer the office of Secretary of State to Mr. Clay or Mr. Webster. Mr. Clay, however, called upon me, and recommended Mr. Webster. This relieved me from all embarrassment on that point, and I tendered him the office, which, after a little while, he accepted; and I had his advice in making the other selections. But two or three declined or resigned, and this caused some delay."

# CHAPTER XXXVII.

## 1850–1851.

SECOND PERIOD OF SERVICE IN THE DEPARTMENT OF STATE—DOMESTIC PERILS OF THIS ERA—PASSAGE OF THE "COMPROMISE MEASURES"—ADJOURNMENT OF CONGRESS—RECONCILIATION OF MR. WEBSTER WITH MR. DICKINSON—VISIT TO MASSACHUSETTS AND NEW HAMPSHIRE—STATE OF OPINION IN NEW ENGLAND—CORRESPONDENCE WITH FRIENDS—UNDERTAKES TO CONVINCE THE WHOLE COUNTRY OF ITS DUTY IN REGARD TO THE LATE SETTLEMENT—EFFORTS AND EXERTIONS—SUCCESSFUL RESULTS ABOUT TO APPEAR—PUBLIC JOURNEY THROUGH NEW YORK—VISIT TO VIRGINIA — DELIVERS AN ADDRESS AT THE LAYING OF THE CORNER-STONE OF THE CAPITOL EXTENSION—CHARACTER OF HIS DEVOTION TO THE CONSTITUTION — DIPLOMATIC AND OFFICIAL DUTIES OF THIS PERIOD—THE HÜLSEMANN LETTER—CENTRAL AMERICA, THE SHIP-CANAL, AND RELATIONS WITH ENGLAND—THE TEHUANTEPEC RAILROAD, AND CONTROVERSIES WITH MEXICO—BOUNDARIES OF TEXAS—EXCESSES AT NEW ORLEANS—INTERVENTION FOR PRISONERS TAKEN IN CUBA AT THE TIME OF THE LOPEZ EXPEDITION—THE CASE OF THRASHER, AN AMERICAN CITIZEN CONVICTED IN CUBA OF TREASON AGAINST THE SPANISH GOVERNMENT—KOSSUTH'S DETENTION IN TURKEY, AND OFFER TO BRING HIM AND HIS COMPANIONS TO THE UNITED STATES—SOCIAL GRIEVANCE OF A FOREIGN MINISTER IN WASHINGTON.

THE second period of Mr. Webster's service in the Department of State, unlike the first, was marked by no extraordinary dangers in our foreign relations. It was the peril to which the internal peace of the country was exposed, that caused the anxiety and the dread of labor which are expressed

in the letters quoted toward the close of the preceding chapter. In physical strength, he was not the man he was seven years before. But the power of labor, which a great intellect, aided by the long habit of endurance and self-devotion, can give over a failing constitution, was still possessed by him in a remarkable degree. The demands that were made upon him required not only great intellectual but great moral exertion. He had marked out a path for the country and for himself that rendered it necessary for him to put forth all the powers of mind and of character that had been bestowed upon him. He had undertaken to convince the people of the United States that now was the time to settle the whole of the political questions relating to slavery upon a permanent basis, which should leave that institution to the causes that were to work out the beneficent results of gradual emancipation, without putting the authority of the Constitution to the test of encountering an attempt to dismember the Union. The great principles on which he rested the adjustment measures of 1850 consisted in the recognition of the fact that every part of the territory of the United States now had impressed upon it the character of free or of slave labor, by some irrepealable enactment, human or divine, which neither section should seek to disturb; that in the States in which slavery existed by the acknowledged admissions and guaranties of the Constitution, it was beyond the rightful reach of the people of the other States, and that every requirement of the Constitution which was founded on this truth must be obeyed in the letter and in the spirit of its provisions; and that, moreover, in the interest alike of peace, prudence, and safety, there must be no further efforts to open new regions for the extension of this institution. Slavery was sure to die everywhere by its own weakness, as fast as it was for the interest of the slave and of humanity that it should be extinguished.

This great policy, which assumed that a new point of departure must be taken by the people of this country, different from that on which the respective sections had lately acted, and truly in accordance with the provisions and purposes of the Constitution, had to encounter great resistance. In the North, whatever touching the new measures related to the extradition of

fugitive slaves, was treated as if Mr. Webster and those who concurred with him had voluntarily undertaken to create an obligation to make the extradition, while the fact that it was created by the Constitution, and had existed for more than sixty years, was overlooked. An agitated and angry controversy about the method of proceeding was carried on by those who were in fact unwilling that the thing should be done at all, by any method, and was addressed to those who were willing to find in their objections to the mode an excuse for obstructing the end. Nor was it easy to convince the people of the North that there was no necessity for applying the "Wilmot Proviso" to the new Territories, when the passionate appeals of those who urged it fell upon the ears of men who longed for a sectional political triumph over the South, as a means of punishing it for the acquisition of territories for whose addition to the Union the North was as morally responsible as the South. In the South, on the other hand, jealousy and fear lest any settlement that might now be made would not be carried out in good faith—a jealousy and a fear that were but too much encouraged by what was taking place in the North—had to be disarmed, and therefore rendered it very difficult to cause the full and candid acceptance, as a finality, of the principle that further efforts to defend their social institutions by extending their area must cease.

But to the great task of bringing the people of the country into harmony with the Administration of President Fillmore, in support of the proposed measures, and to the great labor of executing them if they should become laws, Mr. Webster now devoted all his energies. There was no small danger, however, that the Administration, which was necessarily a Whig government, and required the support of the Whig party, would fail to receive that support in regard to this great public policy; for there were many men of influence in that party who openly opposed and denounced the proposed settlement, and the general tendencies of considerable masses of its members in the Northern States were now toward an extreme sectional spirit. Mr. Webster, while he meant, if possible, to hold the Whig party together, and through that party to enable Mr. Fillmore to carry on the Government upon the principles of the adjust-

ment now pending in Congress, determined at all events to convince a majority of the people of the country, of whatever party, that their present and future welfare depended upon the acceptance of these principles, and upon a firm adherence to them thereafter.

He again entered upon the duties of the State Department on the 23d of July (1850). The following letters disclose the state of his feelings, and the course of the adjustment measures in Congress, and some of the causes which retarded or promoted their final adoption.

[TO MR. HAVEN.]

"WASHINGTON, *July* 25, 1850, Friday, Twelve o'clock.

"MY DEAR SIR: I thank you for all the good wishes and kind expressions in your letter, and hope that my transfer to this position may be in some measure useful to the country.

"If we could only get the measure now pending in the Senate passed into a law, we should have a glorious prospect before us indeed. But you see how decided is the hostility of the Massachusetts members. With their consent, it would become a law in a week. If it fail, we must try something else.

"An eminent Northern Senator came to me last night, to know what he could do to insure the passage of this bill. He was ready to do any thing but to vote for it. Half a dozen others are in exactly the same condition. They became committed to a favorite measure of the late President before his death. All that holds them to it now is the notion of consistency. I was not without hopes last night that the bill would pass the Senate.

"Yours truly,

"DANIEL WEBSTER."

[TO MR. HARVEY.]

"WASHINGTON, *August* 7, 1850.

"MY DEAR SIR: I received your letter this morning. I do most fervently hope that Mr. Fearing will come to Congress.[1] We need him. I am tired of standing up here, almost alone from Massachusetts, contending for practical measures absolutely essential to the good of the country. All must see that it cannot but be disagreeable to me to struggle day after day, and waste my health, in the Senate or in the Department, to bring about a settlement of national difficulties, and yet have no Massachusetts following. I will not say I am altogether alone. Mr. Ashmun is acting a

[1] The Hon. Albert Fearing, an eminent citizen of Boston, was much urged at this time to accept a nomination for the seat in Congress made vacant by the transfer of Mr. Winthrop to the Senate.

very proper and a very vigorous part; I rely on him entirely. And I hope that a better feeling is beginning to inspire others of the members; but there has not been one of them, as yet, who has ventured to stand up, and say that he would stand by me, or my principles, or my views of policy This is disagreeable and mortifying; although, instead of discouraging me, it only puts me up to greater efforts to maintain myself, and to defend my position. I feel that something has been accomplished by my feeble efforts, aided or unaided; and, if Massachusetts should leave me altogether without succor or encouragement from her, there will be no fainting in my heart, no slackening of my exertions. But if Mr. Fearing would come here, I should feel that I had a friend near me, free and independent, above all pledges and commitments, and having a single eye to the great good of the country. Coming fresh from Boston, since these great measures have been under discussion, he would have great weight, and, with Mr. Ashmun's assistance, might exercise a salutary influence with other representatives. He will be able to speak for Boston; and her voice is wont to be respected.

"I thank you for the kindness expressed in other parts of your letter. I am busy enough; but my health is good, and I hope I may yet live to see the return of a better state of things.

"I am, dear sir, with regard,

"Always truly yours,

"Daniel Webster."

[To Professor Stuart.]

"Washington, *August* 10, 1850.

"My dear Sir: So many things have occupied my attention of late, that I have neglected those I love most, and am most indebted to. I have no other apology to offer for suffering your letter to remain so long unanswered.

"The Cabinet is not yet full, but will be if Mr. McKennan accepts the Department of the Interior. They are all sound men, of fair and upright character, sober minds, and national views. The President himself is a man of sagacity, entire fairness, and a good deal of vigor.

"There is yet to be a warm contest in the House of Representatives, extremes coöperating as usual. The Southern gentlemen, in number about forty, had a meeting last night. They resolved to resist, and try to amend the bill for the settlement of the Texan boundary, but not to make any factious opposition by calling ayes and noes, etc. It is probable the bill will pass the House as it went from the Senate.

"It is hoped the California Bill will get through the Senate on Monday.

"All Southern men of intelligence and fairness admire your pamphlet; and they intend, in a quiet way, to give it extensive circulation. The most learned and respectable clergymen, this way, all say the scriptural

argument is unanswerable. Mr. Badger, who is learned and discerning in such things, particularly admires it. I shall join very cordially in an attempt to spread its influence and usefulness. No matter who or how many attack you, if they will only quote you fairly, you have nothing to fear. But some periodicals, calling themselves religious, have an abominable habit of misrepresenting an adversary's statements and arguments. I am rather ashamed of my change of position.[1] I fear I have come from home; but here I am, and shall do as well as I can.

"I have great occasion to be thankful for excellent health.

"Yours, with affectionate regard,

"D. WEBSTER."

[TO MR. TICKNOR.]

"WASHINGTON, *August* 15, 1850.

"MY DEAR SIR: I send you a fair copy of my last speech, which, put into the language of mercantile correspondence, would be, 'I wait upon you with the tenor of my last respects.' My last speech! certainly the last in Congress, and not likely to be followed by any considerable efforts of the same sort anywhere else. No hearts will break at this prospect of the future.

"You will see that the Senate is getting ahead, but I am full of fears of the House. The vote will be close, I am told, on the Texan Bill; and, if that be lost, we are thrown back into trouble again. Mr. Mann, Mr. Fowler, from the Old Colony, and John Otis, of Maine, all chosen by the Whigs, are expected to vote against the bill. Their votes for it would save it.

"I am exceedingly gratified by Mr. Eliot's nomination.[2] Nothing could be better. I hope you will all leave your country places, to go to town, to give him your votes.

"Mr. McKennan, who is proposed as Secretary of the Interior, arrived last night; and he, and Mr. Conrad, as Secretary of War, will be nominated to-day. The table will then be full. The members are agreeable gentlemen, and I foresee no schisms or dissensions.

The President is a good-tempered, cautious, intelligent man, with whom it is pleasant to transact business. He is very diligent, and what he does not know he quickly learns. More than all, he has read the Scriptures, and knows upon what authority it is said, 'be not puffed up.'

"Mrs. Webster has gone to her sister's, near New York. Mr. Curtis and myself are chums in this, the 'vine cottage.' We propose to remain here. Neither Mrs. Webster nor myself inclines to take the trouble of a

[1] His transfer to the Department of State.

[2] The Hon. Samuel A. Eliot, nominated to succeed Mr. Winthrop as representative in Congress for the Boston district, Mr. Winthrop having been placed in the Senate by appointment of the Governor, as the successor of Mr. Webster, after the latter became Secretary of State. For the circumstances and importance of Mr. Eliot's election, see the letters *post*, pp. 472, 474.

large establishment. Our landlord says he will put up a little adjunct one-story building, after the Washington fashion, for a dining-room, and, with that superadded elegance, we shall have, as far as a house is concerned, all that little which man wants here below. Nor shall we want that little long.[1]

"I think of you and Mrs. Ticknor, and the daughters, constantly. As for yourself, I need not say—I could not say, if I would—how much my attachment to you has been increased, by the affectionate kindness, as well as the ability, with which you have upheld me, and my name and fame, through recent events. May God preserve and bless you, and yours!

"Daniel Webster.

"Mr. Ticknor."

[To Mr. Harvey.]

"Tuesday, Two o'clock, *September* 10, 1850.

"My dear Sir: You have heard how all things have gone, so far. I confess I feel relieved. Since the 7th of March, there has not been an hour in which I have not felt a 'crushing' weight of anxiety and responsibility. I have gone to sleep at night, and waked in the morning, with the same feeling of eating care. And I have sat down to no breakfast or dinner to which I have brought an unconcerned and easy mind. It is over. My part is acted, and I am satisfied. The rest I leave to stronger bodies and fresher minds. My annual cold is now heavy upon me, weakening my body and depressing my spirits. It has yet a fortnight to run; and perhaps will sink me lower than it did when strong excitement enabled me to withstand it. I have lost a good deal of flesh, and you will think me thin and haggard. I have had little sleep, not four hours a night, on an average, for the whole six months. Now I mean to grow stupid and lazy, and, if I can get rid of my catarrh, to eat and drink like an alderman.

"It is a day of rejoicing here, such as I never witnessed. The face of every thing seems changed. You would suppose nobody had ever thought of disunion. All say they always meant to stand by the Union to the last.

"Boston, ever true and glorious Boston, has helped us immensely. Mr. Eliot's triumphant election awakened entirely new hopes. Up to that period, they had no hopes of the North. I never knew an election, by its mere character of an election, on certain principles, produce half so much effect. He is quite a lion here. He is decided, straightforward, without any shadow of turning. It ran through the whole city, on Friday after the main vote had been taken, that Mr. Eliot said: 'Now we have trodden Satan under our feet.' I mention this, only to show with how much eagerness every thing is listened to, that a sound Northern man says against abolitionism and all the other 'isms.'

[1] This refers to the house next to the Unitarian Church in Washington, which was Mr. Webster's last residence in that city.

"Pray remember me to Mr. T. B. Curtis, Mr. Mills, Mr. Haven, and other friends. There is a host of them, I shall never cease to love. Boston forever.

"My eyes allow me to write only about one hour a day.

"I hope to see the State-House and the 'Common,' and the steeple on the old South, two days after Congress adjourns.

"Among others, remember me kindly to Fearing.

"Yours truly,

"DANIEL WEBSTER.

"P. S.—I look to hear from you to-morrow morning."

[TO MR. HAVEN.]

(*Private.*)

"WASHINGTON, *September* 12, 1850.

"MY DEAR SIR: I use the confidential hand of another to write you a short letter, my eyes holding out only to perform a small part of the duty expected from them every day. I am in the midst of my periodical catarrh, or 'hay fever,' or whatever you please to call it, but which you know all about. I read nothing, and hardly write any thing but signatures. The disease is depressing and discouraging. I know that there is no remedy for it, and that it must have its course. It produces loss of appetite and great prostration of strength, but, since the event of last week terminated, I have some little time for rest, and, shutting myself up very much, I keep as quiet as I can.

"My dear sir, I think the country has had a providential escape from very considerable dangers. I was not aware of the whole extent of the embarrassment likely to arise till I came here, last December, and had opportunities of conversation with General Taylor, and the gentlemen of his Administration. General Taylor was an honest and truly patriotic man; but he had enough of that quality, which, when a man is right, we call firmness, and when he is wrong, we denominate obstinacy. What has been called the President's plan, was simply this; to wit, to admit California under her free constitution, and to let the Territories alone together, until they could come in as States. This policy, as it was thought, would avoid all discussion and all voting on the question of the 'Wilmot Proviso.' All that matter, it was supposed, might be thus postponed, and the slavery questions staved off. The objection to this plan was the same as that to poor King Lear's idea of shoeing a company of horse in felt, and stealing upon his enemies. It was flatly impossible; that's all. But the purpose was settled and decided. General Taylor told me, in the last conversation I had with him, that he preferred that California should not come in at all, rather than that she should come in bringing the Territories on her back. And, if he had lived, it might have been doubtful whether any general settlement would have been made. He was a soldier, and had a little fancy, I am afraid, to see how easily any military move-

ment by Texas could have been put down. His motto was, 'Vi et armis!' He had a soldier's foresight, and saw quite clearly what would be the result if Texan militia should march into New Mexico, and there be met by troops of the regular army of the United States. But that he had a statesman's foresight, and foresaw what consequences might happen in the existing state of men's opinions and feelings, if blood should be shed in a contest between the United States and one of the Southern States, is more than I am ready to affirm. Yet, long before his death, and in the face of that observation which he made to me, as already stated, I made up my mind to risk myself on a proposition for a general pacification. I resolved to push my skiff from the shore alone, considering that, in that case, if she foundered, there would be but one life lost. Our friend Harvey happened to be here, and with him and Mr. Edward Curtis I held a little council the evening before the speech. What followed is known. Most persons here thought it impossible that I should maintain myself, and stand by what I declared. They wished, and hoped, and prayed, but fear prevailed. When I went to Boston soon afterward, and was kindly received, and intimated that I should take no march backward, they felt a little encouraged. But truly it was not until Mr. Eliot's election that there was any confident assurance here that I was not a dead man.

"It would be of little consequence, my dear sir, if I could only say that Boston saved *me*, but I can say with all sincerity, and with the fullest conviction of its truth, that Boston saved the *country*. From the commencement of the Government, no such consequences have attended any single election as those that flowed from Mr. Eliot's election. That election was a clear and convincing proof that there was breaking out a new fountain of brilliant light in the East, and men imbibed hopes in which they had never before indulged. At this moment it is true that Mr. Eliot is the greatest lion that exhibits himself on Pennsylvania Avenue. He is considered the impersonation of Boston; ever-intelligent, ever-patriotic, ever-glorious Boston; and, whatever prejudices may have existed in the minds of honorable Southern men against our good city, they are now all sunk and lost forever in their admiration of her nationality of spirit.

"But I must stop here. There is much else that I could say, and may say hereafter, of the importance of the crisis through which we have passed. I am not yet free from the excitement it has produced. I am like one who has been sea-sick, and has got to bed. My bed rolls and tosses by the billows of the sea over which I have passed.

"My dear sir, this is for your own eye. You are much younger than I am, and hereafter possibly you may recur to this hastily-dictated letter, not without interest. If you think it worth reading, you may show it to T. B. Curtis, Mills, Fearing, Harvey, etc. It is but half an hour's gossip, when I can do nothing but talk, and dictate to a confidential clerk.

"Yours, always truly,

"Dan'l Webster."

[TO MR. HARVEY.]

"WASHINGTON, D. C., *September* 13, 1850.

"MY DEAR SIR: I have read to-day your exceedingly kind letter of the 11th instant. Your heart is full of joy, at recent occurrences, and your friends are apt to imbibe your own enthusiasm. I see you have a good deal of rejoicing in Boston, and I am heartily glad of it. Nothing has occurred since I wrote you last, except the passage of the Fugitive Slave Bill through the House of Representatives. I am afraid it is too late to do any thing with the tariff, except to make preparation for action at the commencement of the next session, now only a month and a half off. I am considering, however, whether some decided expression of opinion, by the House of Representatives, might not be obtained, and be useful; it is a subject upon which I have been occupied with friends all day. Possibly, something stronger than a mere expression of opinion may be produced. There are several gentlemen here, interested in that subject, principally from Pennsylvania.

"I shall be glad to see the Boston friends who you say are coming. I wish you would come with them.

"Yours, always truly,

"DAN'L WEBSTER."

[TO MR. HARVEY.]

"WASHINGTON, Monday, *September* 16, 1850.

"MY DEAR SIR: Your two very gratifying letters were received this morning. It is my purpose to remain here till Congress adjourns, and then, so soon as the cars shall be a little cleared of the crowd, to go North. I shall be content that the people of Boston dispose of me just as they see fit. They have been accustomed to do that, and, as they have always treated me much better than I deserved, I shall not now oppose any of their wishes.

"You will all know when I shall be coming along. Of course, Mr. Eliot must be invited to any proceedings intended to be complimentary to me. He has acted a noble part, and deserves all commendation.

"The weather is so cool, I write a few lines with my own hand this morning, but must not tax my eyes too far.

"Yours, always truly,

"DAN'L WEBSTER.

"P. S.—Thursday morning. This should have been sent three days ago, but it got mislaid. No great news here to-day.

"Congress is working along, and I hope will get through by the 30th."

[TO MR. HAVEN.]

"*September* 27, 1850, Tuesday Morning, Seven o'clock.

"MY DEAR SIR: There is no chance of doing any thing for the tariff, this session, for want of time, and from the crowded state of business in

Congress. If we had three or four of those precious weeks which were spent in making speeches on the 'Wilmot Proviso,' the revenue of the country might be settled, I think, on a satisfactory foundation. There is a clear majority in the House of Representatives in favor of a reform in the tariff of duties, although some Southern Whigs feel very angry. Three of the North Carolina members, for instance, good men and good Whigs, were found hanging off. I was asked to speak to them, or cause them to be spoken to. They said that the Northern members, Whigs and all, had done little else for six months than assail their rights, their property, and their feelings, as Southern men, and now those Northern men might take care of their own interests. These gentlemen, however, will come into their places in the ranks, after a little cooling and reflection.

"I hope the important measures, such as the appropriation bills, may get through to-day and to-morrow, yet I am afraid of some mishap. Such a mass of unfinished things never existed before, at so late a moment of the session.

"It is a great misfortune that Mr. Ashmun should leave Congress. The Whigs in the House of Representatives need a leader, and, if he could stay, he would be that leader by general consent. He is sound, true, able, quick in his perceptions, and highly popular. I hardly know how his place could be filled. At the other end of the avenue things go on very smoothly. There is entire confidence and good-will between the President and all those about him. Mistakes will be made, no doubt, but nothing will be done rashly, and no step is likely to be taken which shall endanger the peace of the country, or embarrass the general business either of the Government or the country.

"Some day next week I hope to set out for the North. I never wanted to see home more. My catarrh is going off, or else is having a long intermission; and, for whichever it may be, I am truly thankful.

"I pray to be remembered most kindly to Mrs. Haven and your daughters. Yours, always truly,

"Danl. Webster."

The "Compromise Measures," as they were called, were finally passed by Congress before its adjournment, which took place on the 30th of September. They consisted of an Act to admit California as a State with its "free" constitution, and with certain defined boundaries; an Act for the organization of the Territories of New Mexico and Utah, without any restriction against or declaration in favor of slavery; an Act to fix the boundary of Texas; a new Act for the extradition of fugitive slaves; and an Act excluding the slave-trade from the District of Columbia. These measures all received the approval of President Fillmore; and it was now in the power

of the people of the United States to treat them as a final settlement of all questions relating to slavery, on which there could be any action of Congress, under the Constitution. Whether they should be so accepted, and so regarded in the future, became during the residue of Mr. Webster's life, and for some time afterward, the most important public question in the internal politics of this country.

Before leaving Washington, in the autumn, he desired to put an end to the personal estrangement which had existed between Mr. Dickinson and himself, since the discussion in the Senate of which an account is given in a former chapter of this work.[1] He therefore addressed to Mr. Dickinson the following letter, and received from him a reply, which I subjoin:

[TO MR. DICKINSON.]

"WASHINGTON, *September* 27, 1850.

"MY DEAR SIR: Our companionship in the Senate is dissolved. After this long and most important session, you are about to return to your home; and I shall try to find leisure to visit mine. I hope we may meet each other again two months hence, for the discharge of our duties, in our respective stations in the Government. But life is uncertain; and I have not felt willing to take leave of you without placing in your hands a note, containing a few words which I wish to say to you.

"In the earlier part of our acquaintance, my dear sir, occurrences took place, which I remember with constantly-increasing regret and pain; because, the more I have known of you, the greater have been my esteem for your character and my respect for your talents. But it is your noble, able, manly, and patriotic conduct, in support of the great measures of this session, which has entirely won my heart, and secured my highest regard. I hope you may live long to serve your country; but I do not think you are ever likely to see a crisis in which you may be able to do so much, either for your own distinction or the public good. You have stood where others have fallen; you have advanced, with firm and manly step, where others have wavered, faltered, and fallen back; and, for one, I desire to thank you, and to commend your conduct, out of the fulness of an honest heart.

"This letter needs no reply; it is, I am aware, of very little value; but I have thought you might be willing to receive it, and, perhaps, to leave it where it would be seen by those who shall come after you. I pray you, when you reach your own threshold, to remember me most kindly to your wife and daughter. I remain, my dear sir, with the truest esteem, your friend and obedient servant,

"DANIEL WEBSTER."

[1] *Ante*, Chap. xxxii., p. 262, *et seq.*

[MR. DICKINSON TO MR. WEBSTER.]

(*Private.*)

"Binghamton, *October* 5, 1850.

"My dear Sir: I perused and reperused the beautiful note which you placed in my hands, as I was about leaving Washington, with deeper emotion than I have ever experienced, except under some domestic vicissitude.

"Since I learned the noble and generous qualities of your nature, the unfortunate occurrence in our early acquaintance, to which you refer, has caused me many moments of painful regret, and your confiding communication has furnished a powerful illustration of the truth, that 'to err is human—to forgive is divine.' Numerous and valued are the testimonials of confidence and regard which a somewhat extended acquaintance and lengthened public service have gathered around me, but, among them all, there is none to which my heart clings so fondly as this. I have presented it to my family and friends as the proudest passage in the history of an eventful life, and shall transmit it to my posterity as a sacred and cherished memento of friendship. I thank Heaven that it has fallen to my lot to be associated with yourself and others, in resisting the mad current of disunion which threatened to overwhelm us; and the recollection that my course, upon a question so momentous, has received the approbation of the most distinguished American statesman, has more than satisfied my ambition. Believe me, my dear sir, that of all the patriots who came forward in the evil day of their country, there was no voice so potential as your own. Others could buffet the dark and angry waves, but it was your strong arm that could roll them back from the holy citadel.

"May that beneficent Being who holds the destiny of men and nations long spare you to the public service, and may your vision never rest upon the disjointed fragments of a convulsed and ruined confederacy!

"I pray you to accept and to present to Mrs. Webster the kind remembrances of myself and family, and to believe me truly yours,

"D. S. Dickinson."[1]

Mr. Webster arrived in Boston on the 7th of October, and on the 9th he went to Marshfield, quite ill from the effects of his catarrh, which in its last stages assumed the form of an asthmatic cough. But he was obliged, notwithstanding, to receive and entertain the Turkish commissioner, Amin Bey. Writing to President Fillmore on the 14th, he said of political affairs and opinions in New England:

[1] Mr. Dickinson survived Mr. Webster for a period of fourteen years. He died in the city of New York, April 12, 1866, at the age of sixty-five, while filling the office of United States District Attorney. He was indeed "proud" of this letter of Mr. Webster's. He caused it to be lithographed, and was in the habit, for many years, of presenting copies of it to his friends and acquaintances.

"All true Whigs are not only satisfied, but gratified with every thing done by you, since the commencement of your Administration. Indeed, I am at a loss to account for that want of confidence which appears to have prevailed. A gentleman of discernment said to me in Boston, that, within a week after you had taken the chair, men met together, and, without saying a word, sufficiently manifested to one another that, in their judgment, a highly important and conservative change had taken place. The respectable portion of the Democratic party incline to treat the Administration with respect."

The acquiescence, however, among the Whigs of New England, in the course of policy which had now become the policy of Mr. Fillmore's Administration, was far from being universal. An active and violent agitation was still kept up, the principal topics of which were Mr. Webster's treatment of the "Wilmot Proviso," Mr. Webster's conduct in regard to Texas, Mr. Webster's support of the new Fugitive Slave Law, and Mr. Webster's general apostasy from "the cause of freedom." Opinion became divided and the result uncertain. On one side, including nearly the whole of the Democratic party and perhaps a moiety of the Whigs, were those who saw no inconsistencies between Mr. Webster's present position and any of his past sentiments or acts, who were grateful to him for the manner in which he encountered the obloquy that followed his efforts to preserve the peace and harmony of the Union, and who looked upon his conduct throughout this trying period as the chief glory of his life. On the other side, there were those who could not, or would not, see in it any thing but a lamentable defection from his own principles, in pursuit of Southern popular favor, including those who had motives of their own for inculcating and extending this feeling in regard to him. This agitation against the Compromise Measures and against Mr. Webster's support of them, so far as it was yielded to by the Whigs, was destined to cause their overthrow as a national party, and to place the power of the Federal Government in the hands of their opponents; for the sequel will show that a majority of the nation, influenced in a large degree by Mr. Webster's appeals to them, were about to recognize the settlement of 1850 as a final one. Happy would it have been for us, if, after its principles had been fairly accepted by the popular will of the nation, they had never been disturbed.

The following selections are made from Mr. Webster's correspondence during the period of his absence from Washington this autumn.

[TO PRESIDENT FILLMORE.]

"*October* 3, 1850.

"My dear Sir: I have directed the proper clerk to send you a copy of the letter of Mr. Hülsemann, received yesterday. We shall have a quarrel with Austria. I have foreseen it for some time. As you have leisure, I pray you to reflect on the subject, so that we may decide, on my return, in what form we shall manifest our opinion of this letter.

"Yours truly,

"Dan'l Webster."

[TO MR. BLATCHFORD.]

"Boston, *October* 19, 1850, Sunday Morning.

"My dear Friend: You are exceedingly kind to write to me, so frequently, while I am so unable to make you any suitable return. My health has been miserable ever since I arrived in Boston. I have been at Marshfield, and hardly able to drive round the farm more than twice. My eyes are well, and my head pretty clear; but a sort of asthma remains, with spells of coughing, and I am weak and reduced. I stay here to-day and to-morrow, and intend to go to New Hampshire on Monday morning, alone, to try the air of the mountains; and there to remain till I am better, or worse. I found Mr. Curtis here last evening.

"Be pleased to make my regards to Colonel Webb. I should be glad to see him, but at present I am fit to see nobody. I will write you from over the first fire of chips.

"Yours ever, sick or well,

"Dan'l Webster."

[TO MR. BLATCHFORD.]

"Elms Farm, Franklin, N. H., *October* 21, 1850, Monday, Twelve o'clock.

"Dear Sir: I am here, in two hours and three-quarters from Boston, ninety-two miles, without fatigue, and feeling pretty strong. The weather cold—a little cloudy—heavy frost yesterday morning. The foliage *indescribably beautiful.* John Taylor straight up. Henry and I his only guests—and three glorious chip-fires already burning. Can you resist that?

"R. M. B. D. W."

[TO MR. BLATCHFORD.]

"Elms Farm, *October* 22, 1850, Tuesday Morning, before sunrise.

"My dear Sir:

"This castle has a pleasant seat; the *air*
Kindly and sweetly recommends itself
Unto our gentle senses——"

"Throw physic to the dogs; I'll none of it;
Nor rhubarb, senna, nor a purgative drug."

"But Dunsinane was a poor, foggy, sickly spot, compared with Elms Farm; nor did Scotland ever see such a *forest* prospect as the sun at this moment begins to shine upon. The row of maples, by the side of my field, for half a mile, shows like a broad line of burnished gold; and the side-hill, west of the house, displays every possible variety of tint, from the deepest and darkest evergreen to the brightest orange.

"In half an hour, I shall be ascending some of the hills. It seems to me the finest morning I ever saw.

"'Chips' enough; and, by the looks of John Taylor's larder, we can 'laugh a siege to scorn.'

"Say to Miss Annie Jaudon, that she can read the account of Captain Tower's voyage, in a vessel called the 'Cloud,' in the fourth act of the Tempest. Yours,

"D. W."

[TO MR. BLATCHFORD.]

"ELMS FARM, *October* 23, 1850, Wednesday Morning, Half-past Seven o'clock

"MY DEAR FRIEND: The morning is damp, and I am not out so early as usual. A dense fog lies all along the valley of the river, so heavy that I can scarcely see Mr. Noyes's house. John [Taylor] says the wind is in the right quarter, and that the sun will show his face by nine or ten o'clock.

"I drove over the hills, thirty miles, yesterday before dinner, and in the afternoon had an entertaining visit from Governor Hill.[1] He was quite agreeable. We talked no politics, but he is a most intelligent farmer, and we had much to say about cattle, potatoes, etc.

"I am rather looking for Mrs. Webster to-day, with Miss Downs, and Mr. Chew, for a call; to return to-morrow. . . . My wagon is harnessed, and, as soon as the sun appears, I go forth.

"Yours, always truly,

"D. W."

[TO MR. FLETCHER WEBSTER.]

"FRANKLIN, *October* 24, 1850.

"DEAR FLETCHER: I have yours of the 22d. I am growing so fat here, I hate to think of leaving. My cough spasms are pretty much gone off. I am out of doors all day, if it be a fair day, and I am getting to be hungry. At least, I can sit at table, amid the odor of viands, while other people eat, which I could not do a month ago. I shall stay as long as I can. Evidently, the air suits my case. I hear no news, I read no newspapers. D. W."

[TO MR. EDWARD CURTIS.]

"FRANKLIN, *October* 24, 1850.

"MY DEAR SIR: I received yours of the 22d, yesterday, and it came in time, as our friend Pettes was here from Windsor. He came down to ask

[1] The Hon. Isaac Hill.

me to go to Montpelier, which I think I should do on Monday, if I could rely on the weather. But I am afraid. The weather seems changing, with a tendency to rain.

"I like much the spirit of your advice, about keeping people away. In the forenoon, I do pretty well, when the weather is good, as I leave home at seven o'clock—nobody knowing where I am going, and often not knowing myself—and I do not return until two or three o'clock. But, in the afternoon, they are often pressing. The day before yesterday, I lay down on the sofa after dinner, and told John Taylor to take the great kitchen-tongs, stand at the door and defend the castle. When I rose, he reported that he had knocked down seventeen, some of whom he thought would be crippled for life. I am much better than when I left Marshfield, whether it be the air and weather, or whether it be merely that the disease is at length going off. Nose and eyes are pretty well, and hardly any cough remains, and appetite has come back like a prowling, hungry wolf.

"Mrs. Webster, Miss Downs, and Mr. Chew came up yesterday, and go back to-morrow. I expect General Pierce,[1] and some other friends from Concord, to-morrow. Governor Hill has been to see me. I devoutly wish I could stay here till Christmas. We all send love to Mrs. Curtis.

"Yours,

"D. W.

"P. S.—John Taylor says, 'Remember me to Mr. Curtis.'"

[TO MR. BLATCHFORD.]

"Elms Farm, *November* 3, 1850, Sunday Evening, Six o'clock.

"My dear Sir: I expect to take my leave of Franklin to-morrow morning, and the last thing I propose to do is, to write to you. I have now been here a fortnight, having arrived on Monday, the 21st of October. It is the longest visit which I have paid to my native place for many years, and it has been quite agreeable. It is hard to say when I shall look on these hills and vales again, for so many successive days.

"Your visit is a marked part of the occasion, and I like to repeat the expression of the pleasure it has afforded me. I sometimes wonder that you should take any interest in these scenes or these things; but that you do is so much the better and happier for me. You left me on Friday, the 1st of this month. I did not leave home on that day, as I had a good deal of company. Yesterday I was quite alone till afternoon, when I went to Boscawen, to see and take leave of my relatives. To-day the weather has been damp, threatening rain, and I have been out no farther than to the barn. The clouds seem now dispersing themselves, and I look for a good day to-morrow. I duly received your note of Friday from Boston. The Union meeting was a spirited and stirring occasion, but what may be the end I do not know. I expressed to you, you know, three weeks ago, my

[1] The Hon. Franklin Pierce.

fears of a decisive split in the Whig party, and I now strongly fear that result. Nevertheless, my dear sir, I go to Washington to stay for a longer or a shorter time, but determined to do my duty while I do stay. Of personal consequences, I grow every day more careless. To-morrow is Amin Bey's dinner.[1] Then I go to Marshfield for a day, and then South. I have been quite well since you left, though I must confess all the time melancholy, at leaving a place which is dear to my recollections, and which I cannot expect to see often. But away with low spirits! *Dum vivimus, vivamus.*

P. S.—The stars are all out, but it is too warm for them to be very bright. The night is so perfectly still that one may hear the trickling of the little brooks. Or else it is the fall in the Winnipiseogee, away up near 'Tin Corner.' Yours, D. W."

[TO PRESIDENT FILLMORE.]

"BOSTON, *November* 5, 1850.

"MY DEAR SIR: I left New Hampshire yesterday, having become free of disease, and well, except so far as this protracted catarrh has reduced me. I am quite aware how inconvenient my long absence is to you, and to the Government, and sometimes feel that, as this illness is of annual recurrence, I ought to regard it as unfitting me for an office the duties of which require constant attention; I must now go to Marshfield for a few days. When there a fortnight ago, I was hardly able to go out of doors, and could do nothing about arranging my little affairs.

"On public subjects things are here becoming quiet. The excitement caused by the Fugitive Slave Law is fast subsiding, and it is thought that there is now no probability of any resistance, if a fugitive should be arrested. Thousands of young men have tendered their services to the marshal at a moment's warning. There is an evident and vast change of public opinion in this quarter since the adjournment of Congress.

"There is much talk of a Union meeting, and a great desire to hold one. Very many persons have spoken to me on the subject, since my arrival yesterday. My opinion is, that such a meeting should be held, but that I should not attend it. My opinions are all known, and they may perhaps be topics of comment, before the meeting. . . . I look upon the result of our election, so far as respects Governor, as very doubtful.

"Yours always, truly,

"DAN'L WEBSTER."

[TO MR. COLBY.]

"MARSHFIELD, *November* 11, 1850.

"DEAR SIR: I have received your letter of the 7th of this month.

"Experience has long since taught me how useless it is to attempt to stop the allegations of political adversaries by denials of their statements.

[1] A dinner given to the Turkish commissioner by the city of Boston, in Faneuil Hall, which Mr. Webster was obliged to attend.

"For your sake, however, I will say, that my public speeches show my opinion to have been decidedly in favor of a proper, efficient, and well-guarded law, for the recovery of fugitive slaves; that while I was in the Senate, I proposed a bill, as is well known, with provisions different from those contained in the present law; that I was not a member of that body, when the present law passed; and that, if I had been, I should have moved, as a substitute for it, the bill proposed by myself.

"I feel bound to add that, in my judgment, the present law is constitutional; and that all good citizens are bound to respect and obey it, just as freely and readily as if they had voted for it themselves. If experience shall show that, in its operation, the law inflicts wrong, or endangers the liberty of any whose liberty is secured by the Constitution, then Congress ought to be called on to amend or modify it. But, as I think, agitation on the subject ought to cease. We have had enough of strife on a single question, and that, in a great measure, merely theoretical. It is our duty, in my opinion, to attend to other great and practical questions, in which all parts of the country have an interest.

"Yours, very respectfully,

"Daniel Webster."

[To President Fillmore.]

(*Private.*)

"Boston, *November* 13, 1850.

"Dear Sir: I took leave of Marshfield yesterday, not without regret. The trees were leafless, but the fields were green, and the sea was calm as summer.

"Among the things which detained me, was the seeing to the completion of a vault or tomb, for the deposit of me and mine. I have lost one wife and three children. Their remains are now under a church in this city, which the progress of change is very likely ere long to remove.

"At Marshfield, by my own land, on the margin of the upland, is a spot on which a party of pilgrims from Plymouth erected a church, in the very earliest period of the colony; and here is the ancient burial-ground. It is quiet, and secure against change, and not far from my house.

"To this spot I shall be taken not many years hence, and those loved ones, whose spirits have gone before me to another world, will be gathered around me.

"I dwell on these things without pain. I love to see a cheerful old age; but there is nothing I should dread more than a thoughtless, careless, obtuse mind, near the end of life. Of course, it makes no difference in our future state, on which spot we mingle again with our parent earth; but it sobers the mind, I think, and leads us to salutary reflections, to contemplate our last resting-place.

"Yours truly,

"D. W."

[TO MESSRS. RANDALL AND OTHERS.]

"BOSTON, *November* 14, 1850.

"GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 11th of this month, inviting me, in behalf of the friends of the Constitution and the Union, without distinction of party, resident in the city and county of Philadelphia, to attend a public meeting in that city on the 21st instant. I most sincerely wish that it was in my power to attend that meeting. That great central city is not only full of the friends of the Constitution, but full, also, of recollections connected with its adoption, and other great events in our history. In Philadelphia the first Revolutionary Congress assembled. In Philadelphia the Declaration of Independence was made. In Philadelphia the Constitution was formed, and received the signatures of Washington and his associates; and now, when there is a spirit abroad evidently laboring to effect the separation of the Union, and the subversion of the Constitution, Philadelphia, of all places, seems the fittest for the assembling together of the friends of that Constitution, and that Union, to pledge themselves to one another, and to the country to the last extremity.

"My public duties, gentlemen, require my immediate presence in Washington; and for that reason, and that alone, I must deny myself the pleasure of accepting your invitation.

"I have the honor, gentlemen, to be, with great regard, your fellow-citizen and humble servant, DANIEL WEBSTER.

"To Josiah Randall, Isaac Hazlehurst, Robert M. Lee, C. Ingersoll, John W. Forney, John S. Riddle."

[TO MESSRS. LATHROP AND OTHERS.]

"BOSTON, *November* 14, 1850.

"GENTLEMEN: I am under great obligations for the letter received from you, expressing your approbation of the sentiments contained in my letter to the Union meeting at Castle Garden.

"The longer I live, the more warmly am I attached to the happy form of government under which we live.

"It is certain that, at the present time, there is a spirit abroad which seeks industriously to undermine that government. This, of course, will be denied, and denied by those whose constant effort it is to inspire the North with hatred toward the South, and the South with hatred toward the North; and it is time for all true patriots to make a united effort, in which I shall most cordially join, not only to resist open schemes of disunion, but to eradicate its spirit from the public mind.

"I have the honor to be, gentlemen, with great regard, your obliged fellow-citizen and humble servant, DANIEL WEBSTER.

"To Messrs. F. S. Lathrop, Charles G. Carleton, Peter S. Dunee, Gerard Hallock, committee, New York."

Notwithstanding the condition of his health, Mr. Webster now felt it to be his duty to withhold himself from no labor and no exertion, by which he could contribute to a sound and healthy state of public opinion and feeling in all parts of the country. The amount and character of what he put forth, by pen or speech, during the twelve or fifteen months succeeding the adoption of the "Compromise Measures," can scarcely be estimated. His was the mind which could reach the people of all sections and communities; and while great credit is due to a few other public men of both the great political parties who labored with the same end in view, it was by him, chiefly, that a tone of public feeling was at length created, which, in the autumn of 1852, made it certain that the Union was no longer exposed to the perils of disruption, and that those perils would not return, unless there should be a new and rash departure from the principles on which the adjustment of 1850 had been based. The limits of this work do not permit me to describe in detail all that he said or wrote during this critical period. These efforts began while he was at Franklin, in the autumn, with a written response to an invitation to attend a "Union meeting" at Castle Garden, in New York.[1] This was followed by an answer to a similar invitation from Philadelphia, in November, after he had returned to Boston from New Hampshire;[2] and in the same month he wrote a letter of the same kind to certain citizens of Staunton, in Virginia.[3] Then came the "Pilgrim Festival" at New York, on the 22d of December, which he attended in person, and at which he made one of the most impressive speeches that were ever heard even from him.[4] In the following January, he was called upon to answer an invitation from the citizens of Westchester County, in New York,[5] and in February, to reply to a committee in the city of New York, preparing to celebrate the birthday of Washington.[6]

Besides these, during the same period, embracing the autumn of 1850, and the succeeding winter, numerous letters written by him to individuals on the same public topics found their

[1] Works, vi., 577, October 28, 1850.
[2] Correspondence, ii., 403, November 14, 1850.
[3] Works, vi., 579, November 23, 1850.
[4] Works, ii., 519, December 22, 1850.
[5] Works, vi., 582, January 17, 1851.
[6] Works, vi., 586, February 20, 1851

way into the public prints. Every thing uttered or written by him, during this period, was circulated in all parts of the Union, read by all classes, and commented on favorably or unfavorably by all presses. All men felt the power and the importance of what he said.

In these productions, and in many similar efforts which followed them, Mr. Webster had to deal not merely with the general topics which the advantages and benefits of the Union to all sections naturally suggest, but also with a condition of public sentiment in his own section which was but too prone to give ear to a doctrine that unsettled the foundations of obedience to the Constitution itself. We have seen the character of what may be called the *religio-political* philosophy, by which many individuals, and some men in public station, undertook to set up private judgment of what the law of God ordains, in opposition to the positive commands of the fundamental law of the land. In New England, especially, this doctrine, inculcated by many pulpits, and adroitly used by many politicians, was assumed to be peculiarly "Puritan." I presume it will be allowed, by candid judges, that if any man in our country understood the spirit and principles of the Pilgrim founders of New England, Mr. Webster understood them. He knew well that, while they founded their religious organizations on the right of private judgment, they and their immediate descendants carried their attachment to their own forms of public worship, and to their own strongly-cherished religious opinions, even as far as the point of intolerance, and required individual conformity. Possibly this was the natural effect of the persecutions which the first Pilgrims had undergone; for, as Mr. Webster himself expressed it, it is "the common infirmity of human nature for man to retaliate upon man." But, whatever may have been the cause, he always regarded the early Puritan intolerance in matters purely religious as a great error, according to all just modern and American ideas, by which society is not at liberty to interfere in things that concern only the relations of the individual to the Creator. But there was one mistake which he always contended they did *not* make. They did *not* affirm the right of private religious opinion against the ordinances of the state. They did *not* hold that, in civil rela-

tions, the right of private judgment is not to be relinquished and subordinated to the judgment of the whole. He insisted that, however strong were their religious tendencies, and however prone they were to walk by the light of religious truth, as they viewed it, they fully recognized the principle that society, civil rule, the civil state, cannot exist while every man is responsible to nobody and to nothing but his own opinion. He regarded this as proved by the "Constitution," drawn up and signed on board the Mayflower, before the first Pilgrims landed, by which they formed themselves into a civil body politic, and bound themselves, solemnly and mutually, by a written covenant, to submission and obedience to such laws, ordinances, and constitutions, as should be thought most meet and convenient for the general good of the colony which they were about to establish. Mr. Webster said:

> "The right of private judgment, in matters between the Creator and the individual, and submission to the will of the whole, in all that respects civil polity, and the administration of such affairs as concerned the colony about to be established, they regarded as entirely consistent; and the common-sense of mankind, lettered and unlettered, everywhere establishes and confirms this sentiment. Indeed, all must see that it is the very ligament, the very tie, which connects man to man in the social system; and those sentiments are embodied in that constitution" [of the Mayflower.] [1]

Of course, the topic which led to such discussions as these, concerning the foundations of civil obedience, related to the extradition of fugitive slaves. The particular statute which had been passed, to carry into effect a positive requirement of the Constitution, was not one that Mr. Webster would have preferred; and he had left the Senate before it was enacted. But he believed it to be a constitutionally valid law, entirely within the power of Congress to enact; and the question now was whether, having become a law of the land, it could be executed, or whether it was to be defeated and disobeyed. In the region where Mr. Webster felt it to be his duty to cope with the false doctrine above referred to, the execution of this law was resisted, not merely on grounds of constitutional objection to its methods of proceeding, but on the bold assumption that

[1] See the speech at the Pilgrim Festival in New York, Works, ii., 519.

the Constitution, in this respect, was not to be obeyed at all, because it was in conflict with a religious duty, or some other higher obligation. A public meeting was held in Boston and in Faneuil Hall, in the autumn of 1850, at which it was resolved that, "Constitution or no Constitution, law or no law, we will not *allow* a fugitive slave to be taken from the State of Massachusetts."[1] Speakers predicted that the law would be resisted; and that, if the marshal should be killed, a Massachusetts jury would not convict the fugitive who should slay the officer of the law. Sermons were preached of the same purport; men, occupying high social positions, held in public the same kind of language; and one very prominent individual, since conspicuous in public life, was reported in the newspapers to have said, in Faneuil Hall: "Sir, I will not dishonor the home of the Pilgrims and of the Revolution by admitting, nay, I cannot believe, that this bill will be executed here. [Cries of "Never."] Individuals among us, as elsewhere, may forget humanity in a fancied loyalty to law, but the public conscience will not allow a man, who has trodden our streets as a free man, to be dragged away as a slave." [Applause.]

A newspaper, published in Boston, under the name of *The Commonwealth*, the organ of those who felt and acted in this way, uttered similar sentiments every day; while other journals, opposed to the "Compromise Measures," kept up the prediction that this law would never be executed in that community.

The natural effect of all this was to create a spirit of violence that always ends in mobs. In the month of February, 1851, an alleged fugitive was arrested in Boston, under a process issued in conformity with the Act of Congress. The magistrate issuing the warrant, finding, on its return, that the negro arrested was unprepared with counsel, adjourned the proceedings to the next day, and the negro was detained in the custody of an officer, in the United States Court-room, in the court-house, situated in the heart of the city. During the afternoon, a mob broke into the court-house, rescued the prisoner, set him at liberty, and he was not again found.

The Executive Government of the United States was thus

[1] The resolution was introduced by a clergyman.

brought face to face with the issue, whether a law of the United States should be executed in Massachusetts, or whether men of education and social position, who chose to be demagogues on this subject, should be permitted to stir up a spirit of open resistance to a statute, without seeing at least their deluded and ignorant instruments brought to punishment. At this time, the superintendence of the Judicial Department of the United States was in the hands of the Secretary of State. Mr. Webster, as soon as he heard of this occurrence, sent the following telegram to the marshal of the district:

"Washington, Department of State, *February* 18, 1851.

"Information has reached this city, through the newspapers and private letters, that the execution of the Fugitive Slave Law has been forcibly resisted in the city of Boston by a lawless mob, which overpowered the officers of the law; and the President is surprised that no official information has been received from you respecting this occurrence.

"Daniel Webster."

The marshal himself was absent from Boston at the time of this outrage, but, on his return to the city on the same day on which Mr. Webster's dispatch was received, he forwarded to Mr. Webster a sworn account of it, attested by his deputy. Prosecutions were then directed against the supposed leaders of the mob, who were arrested, examined, and held for trial.

Of this event, Mr. Webster said, in his letter to the New-York committee for the celebration of Washington's birthday:

"We have recently been informed, gentlemen, of an open act of resistance to law, in the city of Boston; and, if the accounts be correct of the circumstances of this occurrence, it is, strictly speaking, a case of treason. If men combine and confederate together, and, by force of arms, or force of numbers, effectually resist the operation of an Act of Congress, in its application to a particular individual, with the avowed purpose of making the same resistance to the same act in its application to all other individuals, this is levying war against the United States, and is nothing less than treason. Now, I understand that the persons concerned in this outrage, in Boston, avow openly their full purpose of preventing, by arms, or by the power of the multitude, the execution of process for the arrest of an alleged fugitive slave in any and all cases whatever. I am sure, gentlemen, that shame will burn the cheeks, and indignation fill the hearts, of nineteen-twentieths of the people of Boston at the avowal of principles and the commission of outrages so abominable. Depend upon it that, if the

people of that city had been informed of any such purpose or design as was carried into effect in the court-house in Boston, on Saturday last, they would have rushed to the spot, and crushed such a nefarious project into the dust. The vast majority of the people of Boston must necessarily suffer in their feelings, but ought not to suffer at all in their character or reputation for loyalty to the Constitution, from the acts of such persons as composed the mob. I venture to say that, when you hear of them next, you will learn that, personally and collectively, as individuals, and also as represented in the city councils, they will give full evidence of their fixed purpose to wipe away and obliterate, to the full extent of their power, this foul blot on the good name of their city."

Twenty years before this occurrence, Mr. Webster had given the whole power of his mind and character to prevent the nullification of laws of the United States in South Carolina. What was he to do now? What face was he to turn to nullification in Massachusetts? The spirit of resistance to the lawful authority of the Government was the same, and there was much in the situation of things which rendered the attitude of the State closely analogous to that of the people of South Carolina in 1830–'33; for there was then a law on the statute-books of Massachusetts which created obstructions to the execution of any law of the United States for the surrender of fugitives from service.

Was Mr. Webster, although clothed in 1833 with only the authority of a Senator, to uphold the Government against the nullifiers of South Carolina, and was he now, standing at the most important post in the Executive Department, below that of the President, to shrink from asserting the authority of the Constitution and the laws in Massachusetts? He was to be as firm in the one case as he had been in the other; and it was his power to be thus firm, or the want of it, that was, to use an expression of his own, "to mark him for a great or a little man in all time to come."

All very eminent statesmen in free countries are probably subjected to personal calumnies, originated or circulated by those who dislike their political conduct. Certainly this happened to Mr. Webster. But I have noticed such attacks, in the course of this work, only where they were made in a public place, and when for that reason they became part of the public history of the times. What is a part of such public history, in-

cluding the names of the actors, if it concerns Mr. Webster, is necessarily a part of any full account of his life and motives.

Soon after Mr. Webster became Secretary of State in 1850, he made an arrangement for the payment of the last instalment of an indemnity to Mexico, provided for by the Treaty of Guadalupe-Hidalgo.[1] In February, 1851, a bill to appropriate money for this purpose came under discussion in the House of Representatives. On the 25th, at a late evening session, while this bill was before the House, Mr. Charles Allen, a member from Massachusetts, severely criticised Mr. Webster's course in this matter, and declared that it was connected with a corrupt arrangement made at the same time, by which Mr. Webster was to receive fifty thousand dollars as an inducement to his acceptance of the office of Secretary of State. On the following day, Mr. Ashmun, of Massachusetts, a personal friend of Mr. Webster, professing to speak by authority, pronounced this accusation "an unqualified falsehood;" and at the same time he desired that Mr. Allen might have an opportunity to substantiate it, as he had offered to do. Mr. Allen asked leave to reply, but the House refused its permission. On a subsequent day, Mr. Julian, of Indiana, asked leave to introduce a resolution to raise a committee to investigate the charge made by Mr. Allen; but the House would not permit the resolution to be received. The following letters relate to this occurrence:

[FROM THE HON. R. C. SCHENCK.]

"Wednesday Morning, *February* 26, 1851.

"My dear Sir: .... You have heard of the coarse assault upon you, made last night by the Worcester member, in the House of Representatives. His malignity was rebuked, not merely by what was said in reply by friends on the floor, but still more by the universal indignation and scorn, felt and freely expressed, all round, and on both sides of the hall. It was worth something to be attacked, to have such a triumph in the good feeling which it elicited for you in the hearts and looks and words of all honest and honorable men who witnessed the scene.

"Very respectfully and truly yours,

"Robert C. Schenck."

[1] The arrangement for the payment to Mexico was made through Mr. T. W. Ward, of Boston, agent of Messrs. Baring, Brothers and Co., of London; Messrs. Howland and Aspinwall, a firm of merchants in New York; and Messrs. Corcoran and Riggs, bankers in Washington

[FROM THE HON. GEORGE ASHMUN.]

"HOUSE OF REPRESENTATIVES, *March* 1, 1851.

"MY DEAR SIR: On coming to the House this morning, I stated to gentlemen on all sides, what you desired me to communicate, namely: that neither you, nor your friends, would interpose any obstacle to any inquiry in relation to you, which, in the judgment of the House, the circumstances of the case might render proper.

"But the whole attack was so utterly disgusting to the House, and treated with so much scorn and indignation, and especially by General Bayley and others, leading Democrats, as well as by the Whigs, that the House has just refused to allow the introduction of the resolution of Julian by the very emphatic vote of one hundred and nineteen to thirty-five.

"I did not vote upon the question, because, while I looked upon the whole movement as an outrage, I did not wish to seem in the least degree to interfere with your expressed wishes for the freest action of the House upon the subject. Very respectfully,

"GEORGE ASHMUN."

[MEMORANDUM.]

"HOUSE OF REPRESENTATIVES, *March* 1, 1851.

"Mr. Otis told me that last July, as he came through Boston on his way to Washington, he was at the Custom-House in Boston, in company with Mr. Greely and Mr. Charles Hudson, and was conversing with them about the rumor that Mr. Webster was to be Secretary of State, when Mr. Haven came in with a letter from Mr. Webster, and Mr. Haven and Mr. Greely stepped aside for consultation for a few minutes; that, after Mr. Haven had left the room, Mr. Greely said that Mr. Webster had written to Mr. Haven that he had been offered the State Department, and was hesitating about accepting it, on account of the pecuniary sacrifice to which he would be subjected; that Mr. Haven said that he should write to Mr. Webster to accept, and his friends would save him. Mr. Otis further said that he was requested by Mr. Hudson and Mr. Greely to go directly to Washington, and remonstrate with the President against the appointment of Mr. Webster as Secretary of State; that accordingly he, Mr. Otis, did come on, and as soon as he could, on the morning of his arrival, he called on the President, and among other things told him what had occurred at Boston as above stated.

"Mr. Otis also at the same time told the story to members of Congress. in the hearing of Mr. Allen, of Massachusetts.

"GEORGE ASHMUN."

[FROM MR. FRANKLIN HAVEN.]

"BOSTON, *February* 28, 1851.

"MY DEAR SIR: The following article appeared in the papers of last evening:

"'The Washington correspondent of the *New-York Herald* telegraphs concerning the charge against Mr. Webster as follows:

"'The facts appear to be that Mr. Webster wrote to the Sub-Treasurer, Mr. Haven, that he had been offered the State Department, but could not accept it unless his friends would make up what he would sacrifice pecuniarily by accepting. Mr. Haven showed the letter to Collector Greely, who, at the time, told its contents to Mr. Otis, a member from Maine, who was present. Mr. Otis has divulged the matter to Congressmen,' etc., etc.

"So far as regards myself, this statement is, except in one particular, wholly untrue. You did advise me, by letter, that the President had invited you to take the State Department. There was not a word in relation to the other matter set forth in the article.

"Mr. Collector Greely has made a written statement that I never showed to him any such letter; that he never knew of my receiving any such letter; and that he never made any such statement to Mr. Otis or anybody else.

"With the request that you will excuse me for noticing an article so obviously untrue,

"I remain, with the highest considerations of respect and esteem,

"Yours always,

"Franklin Haven.

"Hon. D. Webster."

The origin of this absurd tale was traced, at the time, to the following occurrences: While the formation of Mr. Fillmore's Cabinet was yet undecided (July, 1850), Mr. Webster wrote to his friend Mr. Haven, in Boston, the letters on that subject which are printed in the last chapter.[1] On the 30th of July, as has already been stated, he sent a telegraphic dispatch to Mr. Haven, communicating the information that President Fillmore had offered the Department of State to him, and that he had accepted it.

Soon after the receipt of this intelligence, Mr. Haven chanced to call at the office of the collector of the port, Mr. Philip Greely, on business; and, while there, he answered, to a question asked by Mr. Greely, that Mr. Webster was to be Secretary of State.

Mr. Haven said or intimated nothing in regard to any pecuniary arrangements to enable Mr. Webster to accept the office, exhibited no letter from Mr. Webster, and referred to none. Mr. Otis, a member of Congress from Maine, was present at the time, but Mr. Haven had no conversation with him.

[1] Letters of July 11, 12, 16, and 21, 1850, *ante*, pp. 464, 465

After Mr. Haven had left, Mr. Greely and Mr. Otis conversed about Mr. Webster's private affairs, and his probable hesitation in regard to the office on account of the pecuniary sacrifices its acceptance would require; and, after Mr. Otis went away, he asserted that he learned from Mr. Greely, as intelligence derived from Mr. Haven, that Mr. Webster would not accept the office unless in some way relieved from the sacrifices it would involve, and that Mr. Haven said he should write to Mr. Webster, urging him to accept. Mr. Otis declared, before he left Mr. Greely, that he should proceed immediately to Washington, lay the facts before the President, and thereby endeavor to prevent the appointment of Mr. Webster. There were other persons present during part of the time who were not friendly to Mr. Webster.

Subsequently, Mr. Greely and Mr. Otis caused the following statement to be made in the public prints:

"MR. ALLEN'S CHARGE AGAINST DANIEL WEBSTER.

"We are authorized, both by Mr. Otis, of Maine, and by Mr. Greely, to state that the conversation between them, which has been referred to of late in the newspapers and elsewhere, related entirely to the rumors and reports which were in Boston at that time (July last), in relation to the formation of Mr. Fillmore's Cabinet, and whether Mr. Webster was to be Secretary of State. The object of Mr. Otis in calling on Mr. Greely was solely to obtain information on that point; and the information given by Mr. Greely had reference to that point alone.

"Mr. Greely answered his inquiries by stating the conflicting reports which were in circulation, as said to come from Mr. Webster and others. In this way Mr. Otis may have confounded, as coming from Mr. Haven, what was said to be reported from others. In a few minutes after the conversation commenced, Mr. Haven came in upon other business, and Mr. Greely did inquire of him respecting the rumors of Mr. Webster's appointment as Secretary of State, and Mr. Haven answered that Mr. Webster had written that the President had tendered him the office.

"Mr. Otis believes that Mr. Greely said Mr. Haven, in addition, told him that Mr. Webster hesitated from the pecuniary sacrifices he would have to make; and that he said he should write to Mr. Webster, urging him to accept the place. But Mr. Greely has no recollection of this as coming from Mr. Haven, but thinks that matter was alluded to incidentally by other persons, who afterward came into the office before Mr. Otis left; and that he confounded one conversation with the other.

"The only information asked for and received had reference solely to the fact whether Mr. Webster was to be Secretary of State; and Mr. Otis

so intended to be understood when he made his statement in July last, and in his more recent explanation of that statement. There was nothing in the statement that could be, by any ingenuity, perverted to the purpose of showing a proposition from Mr. Webster to obtain money, or that could be used by any one for that purpose, either according to the recollection of the conversation by Mr. Otis or by Mr. Greely.

"From the above statement, it will be seen that the statement made by Mr. Otis could furnish no basis for the late attack upon Mr. Webster; nor does it in any degree justify or sustain the extraordinary position taken by Mr. Allen in the late attack."

It is, of course, immaterial to know how far Mr. Allen deemed himself justified, on the authority of Mr. Otis, in making the charge that Mr. Webster would not accept the office of Secretary of State unless a large sum of money should be raised for him as an inducement, and that such an arrangement was actually made; or how far, or from whom, Mr. Otis supposed he had authority for saying whatever he did say in the hearing of Mr. Allen or others. Mr. Haven's statement, that he never received any letter from Mr. Webster, containing such a suggestion, disposes of the whole charge. The occurrence itself, however, is a remarkable instance of the credulity with which a person of ardent political opinions will sometimes listen to rumors affecting the character of an opponent, whose course is a subject of embittered controversy. Mr. Allen was warmly opposed to Mr. Webster's political conduct after March, 1850; and he was one of the principal leaders of a party in Massachusetts which sought to impair Mr. Webster's influence over the public mind.

That Mr. Webster could not take the office of Secretary of State without great pecuniary sacrifices, the whole country knew; but neither the House of Representatives nor the people of the United States believed that he sought and received any sum of money as a condition of his acceptance. What he did was precisely what he had done before, more than once, namely, he took a public position from a sense of his public duty, with too little regard for the state of his private affairs.

After he had been for some time in the office, a number of his personal friends, not more than two of whom could be regarded as "bankers," sent him a few thousand dollars to meet the extraordinary expenses of his table. But I believe it to be a fact

that he never knew their names or positions. Mr. Haven himself had no agency in the matter, and no connection with it.[1]

[1] In January, 1852, Mr. Allen repeated this charge, notwithstanding the fact that Mr. Haven had publicly denied its alleged foundation, over his own signature, in May, 1851, and notwithstanding the disclaimers of Mr. Greely and Mr. Otis, which left it morally certain that Mr. Otis had acted on a false assumption of a fact, when he said to Mr. Ashmun, and in the hearing of Mr. Allen, that Mr. Webster had written to Mr. Haven, suggesting some pecuniary arrangement to enable him to accept the office of Secretary of State, and that Mr. Haven had replied that his "friends would save him." Apparently unwilling to be convinced by any testimony, Mr. Allen, on this last occasion (January, 1852), while the same bill to provide for the payment of the Mexican indemnity was again before the House, amplified his charges against Mr. Webster, as follows: 1. That no officer had any right to make a negotiation of this kind, in advance of the appropriation. 2. That if any such negotiation should be made, competition should be invoked, and the agent should be employed whose terms would be the most favorable. 3. That the Secretary of State should not have interfered in the matter, but should have left it to the Secretary of the Treasury. He alluded to his having presented these objections at the previous session, and to his having then urged "that the relations of the Secretary of State to these capitalists and bankers were such as rendered it highly improper and unfit that he should take it upon himself, unnecessarily, to discharge the duties he had assumed. . . . Now, what were these relations? It had come to my knowledge—and it seemed to me a proper matter for the knowledge of the House—that when the Secretary of State took upon himself the office which he now holds, he entered into a negotiation quite as remarkable, to say the least, as the negotiation which it appears he made with the Barings and their associates. It was a negotiation with men of a character, class, and description, similar to that of Mr. Ward, of Boston, and Howland and Aspinwall, of New York; a negotiation, by which, as an inducement for Mr. Webster to take the office which he now holds, a sum of money was to be furnished—fifty thousand dollars to support him in that office." Mr. Allen did not say that Mr. Ward, or Messrs. Howland and Aspinwall, had contributed to that fund, but he said there was every reason to believe they had. He then proceeded to say that the negotiation with the bankers was made "*at the very time* when the negotiation was going on for raising the fifty thousand dollars." These facts, Mr. Allen said, *had been denied*, but Mr. Webster's friends were strenuously opposed to an investigation. [The refusal of the House of Representatives to make an investigation had alone prevented it.] Mr. Allen also spoke of misrepresentations and attempts to palliate the offence, among them a letter from Mr. Haven denying that a proposition had been made to him by Mr. Webster with regard to the fifty thousand dollar fund. [Mr. Haven's previous public denial had covered the whole ground-work of the charge.] Political rancor and such credulity as it engenders could go no further than they carried Mr. Allen and others who continued to repeat this statement after it had been shown to be untrue. The whole affair subsided in the House of Representatives, after Mr. George T. Davis, who was also a member from Massachusetts, had made a defence of Mr. Webster showing the groundlessness of this charge (January 23, 1852). The debate then fell back to the bill, and the general objections to the arrangement which Mr. Webster had made for the payment of the Mexican indemnity. Several amendments to the bill were offered, intended to carry a censure of Mr. Webster's action: such as "that the said sum be paid over to the proper authorities of Mexico, by the Secretary of the Treasury under the supervision of the President;" that it be paid "in a manner conformable to the request of the Mexican Government," etc. All of these amendments were rejected, and the bill passed, simply appropriating three million one hundred and eighty thousand dollars for the payment of the last instalment due under the Treaty of Guadalupe-Hidalgo — which was to fall due May 31, 1852.

I have spoken of a party in Massachusetts who sought from political motives to impair Mr. Webster's influence

Early in April of this year, Mr. Webster made a short visit to Massachusetts. While he was at Marshfield, many of the citizens of Boston, of both the Whig and Democratic parties, wished to offer him a public reception in Faneuil Hall. The custody of that famous place of public assembly had long been in the hands of the Board of Aldermen of the city; and it was the practice to grant permission to use it on the petition of one hundred tax-payers. The requisite petition was duly presented, and an invitation, signed by a great number of the principal citizens, was sent to Mr. Webster, at Marshfield. It was arranged that Mr. Choate should make the address of welcome, and intimations of the course of his remarks were conveyed to Mr. Webster, who had privately signified his purpose to accept the invitation. But, on the morning of the day on which the meeting was expected to take place, it became known that the Board of Aldermen had refused the use of the hall.

This affair, which, under other circumstances, would have been regarded as a very trivial occurrence, and would certainly have been unworthy of a place here, immediately struck the whole country with amazement. It was asked, everywhere, if Boston could not bear free discussion of public measures, or had refused to hear her own illustrious citizen and statesman. What would otherwise have met only with ridicule, was treated as a serious event, on account of the position of political affairs at the time. In Boston itself, indignation and shame became so general that the unlucky officials were alarmed, and sought to retrace their steps. The explanation which they endeavored to make to Mr. Webster was, that, hav-

over the public mind. In this warfare, all manly fairness was disregarded. Long after this imputation had been shown to be entirely untrue, the newspaper organ of this party, in Boston, reiterated it, quoting the language in which Mr. Allen had originally made the charge, and asserting that the inquiry had been smothered in the House of Representatives by a corrupt understanding between the Whig friends of Mr. Webster and the friends of a prominent Democrat who was interested in a private bill before the House. While all experience shows that in free countries political controversy degenerates into personal slander, it ought also to admonish the people to be incredulous of such assaults upon eminent statesmen. But such incredulity is rarely as active as it should be; and the assaults are therefore often made on calculation of their effect, far more than on conviction of their justice. Mr. Webster rarely took any active steps to meet such imputations. What he did, in such cases, strongly illustrates his reliance on the judgments of the future: he caused the means of refutation to be carefully gathered and preserved among his private papers, and there are few transactions of his life, public or private, in any way involving his character, that cannot there be traced with entire accuracy.

ing refused the use of the hall to persons and parties who sought to denounce the "Compromise Measures," they thought consistency required them to refuse it to the supporters of that policy, but that no personal disrespect was intended toward Mr. Webster. This explanation he did not think it became him to regard. His answer to the invitation of his friends was published immediately after the refusal of the hall was known.

[TO MR. GEO. G. SMITH AND OTHERS.]

"MARSHFIELD, *April* 15, 1851.

"GENTLEMEN: I duly received your letter of the 11th of this month, and had fully made up my mind to comply with your invitation; for, although I have entertained no purpose of discussing further, at present, the political questions which have so much agitated the country, yet I could not deny myself the pleasure of meeting you and your fellow-citizens for mutual congratulation upon our escape, so far, from dangers which, a year ago, seemed most seriously to threaten the very existence of our national institutions; and, upon the prospect of an early return, in all parts of the country, of feelings of good-will and reciprocal regard.

"But the newspapers of this afternoon inform me that the Board of Aldermen have refused your request for the use of Faneuil Hall. I care nothing for this, personally, except that it deprives me of the gratification of seeing you; although, if I supposed that the general voice of the people of Boston approved of this proceeding, it would, I confess, cause me the deepest regret. The resolution, denying you the hall, has been adopted, if I mistake not, by the same board which has practically refused to join with the other branch of the city government in offering the hospitalities of the city to President Fillmore.

"Gentlemen, for nearly thirty years I have been in the service of the country, by the choice of the people of Boston, and the appointment of the Legislature of Massachusetts. My public conduct, through the whole of that long period, is not unknown, and I cheerfully leave it to the judgment of the country now and hereafter.

"Since the commencement of March of last year I have done something and hazarded much to uphold the Constitution of the United States, and to maintain interests of the most vital importance to the citizens of Boston. And I shall do more and hazard more whenever, in my judgment, it becomes necessary that more be done or more be hazarded. I shall perform with unflinching perseverance, and to the end, my duty to my whole country; nor do I, in the slightest degree, fear the result. Folly and fanaticism may have their hour. They may not only affect the minds of individuals, but they may also seize on public bodies of greater or less dignity. But their reign is, without doubt, destined to be short, even where, for the moment it seems most triumphant. We, of Massachusetts, are not doomed

to a course of political conduct such as would reproach our ancestors, destroy our own prosperity, and expose us to the derision of the civilized world. No such future is before us. Far otherwise. Patriotism, the union of good men, fidelity to the Constitution in all its provisions, and that intelligence which has hitherto enabled the people of this State to discern and appreciate their own political blessings, as well as what is due to their own history and character, will bring them back to their accustomed feelings of love of country, and of respect and veneration for its institutions.

"I am, gentlemen, with the most sincere regards,

"Your obliged friend, and very obedient servant,

"Daniel Webster."

In a few days after the publication of this letter, the other branch of the city government invited Mr. Webster to meet them in Faneuil Hall. This invitation he declined, in the following answer:

"Marshfield, *April* 19, 1851, Saturday Morning.

To Francis Brinley, Esq., *President of the Common Council of the City of Boston.*

"My dear Sir: I have received your communication transmitting copies of the preamble and resolutions adopted on the 17th instant, by the unanimous voice of the body over which you preside.

"I should be incapable of all just emotion, if I delayed a moment to express my grateful thanks for a proceeding so friendly and so honorable toward myself.

"I wish my stay in this vicinity could be such as to afford me an opportunity of calling, individually, upon you, and all the members, and paying to each my personal regards.

"There are, I know, members of the Council who entertain political opinions different from my own; and this makes me the more anxious to signify, in an emphatic manner, my sense, not only of the kindness and courtesy, but also of the manliness and independence, which characterize their votes.

"I shall not have the pleasure, during my present visit, of meeting the citizens of Boston.

"What I have done, within the last year, to maintain the Union, and to preserve the relations of peace, friendly intercourse, commerce, and business, among all the States, has not been done in a corner; and I shall not go into a corner to perform what may remain to be done. Nor shall I enter Faneuil Hall, till its gates shall be thrown open, wide open, not 'with impetuous recoil—grating harsh thunder,' but with 'harmonious sound, on golden hinges moving,' to let in, freely and to overflowing, you and your fellow-citizens, and all men, of all parties, who are true to the Union as well as to Liberty—men who can look around, on the faces of the patriots

which adorn the walls of the sacred temple, draw in with their deepest breath the appropriate inspiration, and stand upright and erect upon its pavement, in mind and heart elate, in the consciousness that they, too, are Americans, lovers of their country, and their whole country, and not unworthy to follow in the footsteps of their great forefathers.

"If Providence shall be pleased to spare my life and health till that hour comes, I shall meet the citizens of Boston, and my voice shall be heard once more in the Cradle of American Liberty.

"Till then, again thanking you and the members of the Council, I bid you and them farewell!

"DANIEL WEBSTER."

The people of the city, however, were not content that Mr. Webster should return to Washington without a greeting from themselves. In great numbers they assembled in the square in front of his hotel, on the morning of the 22d of April, and in their "primary capacity" called him out. He made a short address to them, and soon afterward proceeded to Washington.

Having returned to his post before the end of April, Mr. Webster hoped to be spared from any necessity for further public speaking, and that the residue of the time, before the access of his autumnal catarrh, could be devoted exclusively to the official duties of his department. On the 4th of May he wrote to Mr. Blatchford:

"I am steadily engaged in my official duties, and make progress in some things which require dispatch. There are but few people here, and it is a good time for work.

"I have given up my professional engagements both in New York and Boston. This has been done at a great sacrifice—three thousand dollars at least; but I felt it to be my duty. For the next two or three months I may calculate on good health, after which my annual visitation of 'hay fever,' or 'catarrh,' may render me incapable of doing much, if any thing, for the residue of the summer. I feel, therefore, that I owe it to my place, and to my duties, to let nothing interfere for the present with close attention to public affairs.

"There never was a time, I think, in which our foreign relations were more quiet. There seems no disturbing breath on the surface. All the diplomatic gentlemen here are amicably disposed, and our intercourse is quite agreeable. I think Mr. Hülsemann is the most satisfied and happy of them all.

"An hour hence I receive my mail, and then go to church, always expecting a good sermon from Dr. Butler.

"By-the-way, if you would see something in the prophetic books of

Scripture, remarkably applicable to our days, turn to the second chapter of Nahum and the fourth verse.[1]

"Yours always truly,

"Daniel Webster.

"P. S.—For something to remind you of telegraphic wires, see Job xxxviii. 35."[2]

But there was to be no rest for him. The "Erie Railroad," connecting the city of New York with Lake Erie, was to be opened with public ceremonies, and the directors sent an urgent invitation to President Fillmore and the members of his Cabinet, to join their excursion. The President and his friends thought that a salutary political influence might attend his presence on this occasion, and they earnestly desired Mr. Webster to accompany them. His feelings about this journey were expressed to his friend Mr. Blatchford, to whom he was in the habit of writing once, or more than once, every day.

[To Mr. Blatchford.]

"*May* 7, 1851, Wednesday Morning.

"My dear Sir: I have not wished to join this jaunt on the Erie Railroad, because I have much work on hand, which I wish to get through before the hot weather. But there was a wish, I believe warm and sincere, that I should be of the party. I suppose it will be fatiguing, but I must try it.

"I hope to rest a day on my return, in your city. You will find me Tuesday eve, at the Astor House. I shall continue to write daily. The cold weather holds on. We have had frost, I think, four nights out of six. Yours,

"Daniel Webster."

[To Mr. Blatchford.]

"*May* 11, 1851, Sunday, One o'clock.

"My dear Sir: I thank you for your letter from Philadelphia. I am well, and leave to-morrow morning, at six o'clock. I dread the journey awfully.

"I see four elements of distress in it: 1. Heat. 2. Crowds. 3. Limestone-water. 4. The necessity of speech-making.

[1] "The chariots shall rage in the streets; they shall justle one against another in the broad ways; they shall seem like torches; they shall run like the lightnings."

[2] "Canst thou send lightnings, that they may go, and say unto thee, Here we are?"

"This last is not the least, for I have exhausted my opinions and my thoughts, my illustrations, and my imaginations; all that remains in my mind is as 'dry as a remainder biscuit, after a voyage.'

"Your notion, that no evil can come from this jaunt, cheers me; but still I feel a caving in at the prospect before me. But never mind. If I should not be remarkably foolish, nor remarkably unlucky, I shall not spoil *all* the past. Yours,

"D. W."

At Dunkirk, the western terminus of the Erie Railway, Mr. Fletcher Webster, who had accompanied his father, became suddenly ill, and Mr. Webster was obliged to separate himself from the rest of the party.

[TO MR. BLATCHFORD.]

"DUNKIRK, *May* 17, 1851.

"MY DEAR SIR: I have been greatly alarmed about Fletcher. Sleeping in my room, he was attacked, Thursday night, half-past one, by a violent inflammation of the throat. He woke me, in much distress, and said he could not breathe. In fifteen or twenty minutes we had a physician, who let blood freely, gave a powerful emetic, applied mustard-plasters, etc., etc. He was relieved soon, but did not get out of his bed till this morning. We have a good boat here, and, as the weather is clearing up, I think we shall go to Buffalo in the P. M.

"You see how we got along. I made a speech here last evening, on purpose to do credit to the directors of the road. There was a reporter here—and I hope he will give a correct account of it. I am marvellously well.

"I am extremely pained to hear of the death of your excellent minister. Dr. Mason. Yours truly always,

"DANIEL WEBSTER."

Mr. Webster and his son arrived at Buffalo after the President and his attendants had set out on their return.

[TO MRS. FLETCHER WEBSTER.]

"BUFFALO, *May* 20, 1851, Nine o'clock P. M.

"MY DEAR CAROLINE: I am detained here, unavoidably, for two or three days beyond my expectation.

"Fletcher has had his trunk packed, two or three times, for his departure for home, but, when the time came, I did not feel that I could part with him. I have nobody else with me, and, though well at present, I should be alarmed if I should get sick.

"To-night he has got all things in readiness to go early in the morning; but I do not believe I should sleep an hour, under the consciousness that he was to leave in the morning. I must, my dear child, detain him a day or two longer, and you must try to forgive me for it. I have no travelling friend; no servant, or attendant, that I am acquainted with; and, if Fletcher should go, I should feel absolutely desolate.

"I have telegraphed to New York for somebody to meet me, and, the moment I see a reliable and familiar face, I will give your husband my blessing, and let him depart.

"Your affectionate father,

"Daniel Webster."

The citizens of Buffalo, without distinction of party, invited Mr. Webster to a public dinner, which took place on the 21st of May. They also requested him to address the people in the park. At the dinner, his speech related to the general topics suggested by the opening of a great work of internal improvement, and to its relations to the growth of the Western country; for he chose to reserve all topics concerning the political questions of the time until the following day. In that speech, delivered in the open air on the 22d, in a drenching rain, which did not disturb the great audience assembled from far and near to hear him, he entered into the subject which was in all men's minds. Whatever he may have thought, himself, of his power to say any thing fresh and instructive concerning the public questions on which he had previously written and spoken so much, this Buffalo speech was received by those who heard it, and by thousands who read it everywhere throughout the country, with new admiration at his intellectual resources. He had not, in fact, by any means exhausted himself on themes that touched the welfare of the country, the continuance of its Union, and the safety of its Constitution.

Largely as we may estimate the depth of his patriotism, and the reach and activity of his mental processes, it is difficult to understand how he could have made preparation for such a speech as this. For, it is to be remembered that he was entertained at a public dinner on the day before, at which he had to make a speech of a totally different character, and that during the whole time of his stay in Buffalo he was the object of almost incessant private attentions. He was at this time past the age of sixty-nine; and, although at the moment in good general

health, he was obliged to be extremely careful. This speech, therefore, considering all the circumstances in which it was made, affords very high evidence of his powers as an orator, of his unabated mental capacity, and of his patriotic wisdom. It is also one of the best exhibitions of his character as a public man; for no one who now reads it can believe that there ever entered his mind the slightest doubt respecting the correctness of his own political course, or of what the safety of our institutions required of the people of the United States. Those who maligned and traduced him were in the habit of believing, or affecting to believe, that he sometimes felt himself to have been wrong. If there are any who still think so, they should read and ponder this speech.

It was made in a time of great political excitement, and when he himself had been, and continued to be, bitterly assailed. But whoever will correctly observe the attitude in which he stood, in respect to the sectional controversies, and will undertake to answer his positions, will find that there is no answer within reach, which can affect Mr. Webster's purity of purpose, or afford any disparagement of his political wisdom and forecast. His object on this occasion was, to show to the people of New York that they were, to a large extent, responsible for the public measures which, beginning with the annexation of Texas, and ending with the Mexican War, had brought the two opposite sections of the Union into conflict on the subject of slavery; to tell them again, as he had repeatedly told the people of the whole country, that he had resisted all acquisitions of territory *because* they would lead to a dangerous controversy; to remind them that, while, at the commencement of the year 1850, Texas stood ready to maintain her claim to the whole of New Mexico, six or seven of the largest States of the South had taken measures looking toward secession, and that a civil war was thus imminent; to reiterate to them the entire uselessness of excluding slavery, by Act of Congress, from the Territories requiring to be organized; and to explain to them the necessity for new legislation in respect to fugitives from service. In conclusion, he said:

"Gentlemen, I regret that slavery exists in the Southern States; but it is clear and certain that Congress has no power over it. It may be, how-

ever, that, in the dispensations of Providence, some remedy for this evil may occur or may be hoped for hereafter. But, in the mean time, I hold to the Constitution of the United States, and you need never expect from me, under any circumstances, that I shall falter from it; that I shall be otherwise than frank and decisive. I would not part with my character as a man of firmness and decision, and honor and principle, for all that the world possesses. You will find me true to the North, because all my sympathies are with the North. My affections, my children, my hopes, my every thing, are with the North. But when I stand up before my country, as one appointed to administer the Constitution of the country, by the blessing of God, I will be just.

"Gentlemen, I expect to be libelled and abused. I have not lost a night's rest for a great many years *from any such cause*. I have some talent for sleeping. And why should I not expect to be libelled? Is not the Constitution of the United States libelled and abused? Do not some people call it a covenant with hell? Is not Washington libelled and abused? Is he not called a bloodhound on the track of the African negro? Are not our fathers libelled and abused by their own children? And ungrateful children they are. How, then, shall I escape? I do not expect to escape; but, knowing these things, I impute no bad motive to any men of character and fair standing. The great settlement measures of the last Congress are *laws*. Many respectable men, representatives from your own State, and from other States, did not concur in them. I do not impute any bad motive to them. I am ready to believe that they are Americans all. They may not have thought these laws necessary; or they may have thought that they would be enacted without their concurrence. Let all that pass away. If they are now men who will stand by what is done, and stand up for their country, we must stand by them and live by them. I will respect them all as friends.

"Now, gentlemen, allow me to ask of you, what do you think would have been the condition of the country, at this time, if these laws had not been passed by the last Congress? If the question of the Texas boundary had not been settled? If New Mexico and Utah had been left as desert places, and no government had been provided for them? And if the other great object, to which State laws had opposed so many obstacles—the restoration of fugitives—had not been provided for, I ask, what would have been the state of this country now? You men of Erie County, you men of New York, I conjure you to go home to-night, and meditate on this subject. What would have been the state of this country now, at this moment, if these laws had not been passed? I have given my opinion that we should have had a civil war. I refer it to you, therefore, for your consideration: meditate on it; do not be carried away by any abstract notions or metaphysical ideas; think practically on the great question, What would have been the condition of the United States at this moment if we had not settled these agitating questions? I repeat, in my opinion there would have been a civil war.

"Gentlemen, will you allow me, for a moment, to advert to myself? I have been a long time in public life; of course, not many years remain to me. At the commencement of 1850, I looked anxiously at the condition of the country, and I thought the inevitable consequence of leaving the existing controversies unadjusted would be civil war. I saw danger in leaving Utah and New Mexico without any government, a prey to the power of Texas. I saw the condition of things arising from the interference of some of the States in defeating the operation of the Constitution in respect to the restoration of fugitive slaves. I saw these things, and I made up my mind to encounter whatever might betide me in the attempt to avert the impending catastrophe. And allow me to add something which is not entirely unworthy of notice. A member of the House of Representatives told me that he had prepared a list of one hundred and forty speeches which had been made in Congress on the slavery question. 'That is a very large number, my friend,' I said; 'but how is that?' 'Why,' said he, 'a Northern man gets up, and speaks with considerable power and fluency until the Speaker's hammer knocks him down. Then gets up a Southern man, and speaks with more warmth. He is nearer the sun, and he comes out with the greater fervor against the North. He speaks his hour, and is, in turn, knocked down. And so it has gone on until I have got one hundred and forty speeches on my list.' 'Well,' said I, 'where are they, and what are they?' 'If the speaker,' said he, 'was a Northern man, he held forth against slavery; and, if he was from the South, he abused the North; and all these speeches were sent by the members to their own localities, where they served only to aggravate the local irritation already existing. No man reads both sides. The other side of the argument is not read; and the speeches sent from Washington, in such prodigious numbers, instead of tending to conciliation, do but increase, in both sections of the Union, an excitement already of the most dangerous character.'

"Gentlemen, in this state of things, I saw that something must be done. It was impossible to look with indifference on a danger of so formidable a character. I am a Massachusetts man, and I bore in mind what Massachusetts has ever been to the Constitution and the Union. I felt the importance of the duty which devolved upon one to whom she had so long confided the trust of representing her in either House of Congress. As I honored her, and respected her, I felt that I was serving her in my endeavors to promote the welfare of the whole country.

"And now suppose, gentlemen, that, on the occasion in question, I had taken a different course. If I may allude so particularly to an individual so insignificant as myself, suppose that, on the 7th of March, 1850, instead of making a speech that would, so far as my power went, reconcile the country, I had joined in the general clamor of the antislavery party? Suppose I had said: 'I will have nothing to do with any accommodation; we will admit no compromise; we will let Texas invade New Mexico; we will leave New Mexico and Utah to take care of themselves; we will plant

ourselves on the Wilmot Proviso, let the consequences be what they may?'

"Now, gentlemen, I do not mean to say that great consequences would have followed such a course on my part; but, supposing I had taken such a course, how could I be blamed for it? Was not I a Northern man? Did I not know Massachusetts feelings and prejudices? But what of that? I am an American. I was made a whole man, and I did not mean to make myself half a one. I felt that I had a duty to perform to my country, to my own reputation; for I flattered myself that a service of forty years had given me some character, on which I had a right to repose for my justification in the performance of a duty attended with some degree of local unpopularity. I thought it my duty to pursue this course, and I did not care what was to be the consequence. I felt that it was my duty in a very alarming crisis to come out; to go for my country, and my whole country; and to exert any power I had to keep that country together. I cared for nothing, I was afraid of nothing; but I meant to do my duty. Duty performed makes a man happy; duty neglected makes a man unhappy. I therefore, in the face of all discouragements and all dangers, was ready to go forth, and do what I thought my country, your country, demanded of me. And, gentlemen, allow me to say here to-day, that, if the fate of John Rogers had stared me in the face, if I had seen the stake, if I had heard the fagots already crackling, by the blessing of Almighty God, I would have gone on, and discharged the duty which I thought my country called upon me to perform. I would have become a martyr to save that country. And now, gentlemen, farewell. Live and be happy. Live like patriots; live like Americans. Live in the enjoyment of the inestimable blessings which your fathers prepared for you; and if any thing that I may do hereafter should be inconsistent, in the slightest degree, with the opinions and principles which I have this day submitted to you, then discard me forever from your recollection."

When this speech was reported by telegraph in the newspapers of the city of New York, a very serious error occurred in this passage, by the change of a single word. Mr. Webster thereupon addressed the following letter to Mr. Botts, of Virginia:

[To Mr. Botts.]

"Washington, *June* 3, 1851.

"My dear Sir: When I arrived at New York, my attention was called to a paragraph in the telegraphic report of my speech at Buffalo. Under the circumstances, it is wonderful that the accomplished reporter performed the service as well as he did; but a mistake occurred of some importance, which he corrected as soon as it met his eye. Toward the end of the speech, I am reported as having said: 'Gentlemen, I regret exceedingly that slavery exists in the Southern States, *and that* Congress has no power over it.' This is so entirely in opposition to the whole drift of

my remarks, that it might have been hoped that all would have regarded it as a misprint or an error; it appears, however, that this was not universally the case, and therefore the reporter very promptly caused the following correction to be inserted in the *Herald*, the paper in which the report first appeared: 'Gentlemen, I regret exceedingly that slavery exists in the Southern States, *but* Congress has no power to act upon it. It may be, however, that, in the dispensation of Providence, some remedy for this evil may *occur*, or may be hoped for hereafter.'

"It must be obvious to every intelligent person that, if Congress possessed power over slavery as it exists in the Southern States, any attempt to exercise such power would break up the Union just as surely as would an attempt to introduce slavery into Massachusetts. These are subjects of mere State rights and State authority, intended originally to be left entirely with the States, and they must be so left still, if we wish to preserve the Union.

"You are at liberty to make any use of this letter which you may think necessary to remove false impressions.

"I am, my dear sir, with the truest regard,

"Yours, most respectfully,

"DANIEL WEBSTER."

On Mr. Webster's return toward Albany, he received earnest invitations to speak at Batavia, Rome, Canandaigua, and Syracuse. From Canandaigua, where he was the guest of the Hon. Francis Granger, he wrote to Mr. Blatchford:

[TO MR. BLATCHFORD.]

"CANANDAIGUA, *May* 25, 1851, Sunday Morning, Seven o'clock.

"MY DEAR SIR: I get along slowly, as well as poorly. I do not mean poorly in health, for my health is much improved, but I get poorly through the meetings of such crowds of people.

"Yet I seem to have no option. The President stopped everywhere, and said something, and it would be thought churlish if I were to do less. I shall leave this place at nine to-morrow; stop a little while, and say a few words at Auburn. It is Governor Seward's residence; and everybody there, I suppose, is a Free-soiler, or nearly everybody, and I would not wish to give him or them offence.

"Thence to Syracuse, that laboratory of abolitionism, libel, and treason. Tuesday night I shall reach Albany, and stay there through Wednesday, and, if the weather is tolerable, take the evening boat of that day. I must do this, in order to have one day, Thursday, in New York; and then Friday and Saturday to get to Washington. Under these circumstances, I do not think it worth your while to come to Albany, as we should be asleep while together. I much prefer, if you think you can

spare a day, that you should go with me to Philadelphia. I am having a nice time here. The finest weather in the world, and entire quiet I begin to feel about right. You saw Fletcher, I suppose, and learned what a drenching we all had in Buffalo.

"Yours truly always,

"Daniel Webster."

It was, however, impossible for Mr. Webster to decline an invitation to remain at Albany, and address the young men of that city. Their invitation was also signed by a large number of the most prominent citizens of both the leading political parties, of all ages, including persons of the highest official stations. They received him in the square of the State capitol, on the 28th of May, where he spoke to a great concourse of people from a platform erected for the purpose. The speech is remarkable for the expression of an opinion of which we have, in part, already seen the fulfilment; nor can we see by what process his prediction is to be finally refuted by the effect of any human skill on which we have a right to rely:

"I say, therefore, without going into the argument with any detail, that, in March, of 1850, when I found it my duty to address Congress on these important topics, it was my conscientious belief, and it still remains unshaken, that, if the controversy with Texas could not be amicably adjusted, there must, in all probability, be civil war and bloodshed; and, in the contemplation of such a prospect, although we took it for granted that no opposition could arise to the authority of the United States that would not be suppressed, it appeared of little consequence on which standard victory should perch. But what of that? I was not anxious about military consequences; I looked to the civil and political state of things, and their results, and I inquired what would be the condition of the country, if, in this state of agitation, if, in this vastly extended, though not generally pervading feeling at the South, war should break out, and bloodshed should ensue in that quarter of the Union? That was enough for me to inquire into and consider, and, if the chances had been but one in a thousand that civil war would be the result, I should still have felt that that one-thousandth chance should be guarded against by any reasonable sacrifice; because, gentlemen, sanguine as I am of the future prosperity of the country, strongly as I believe now, after what has passed, and especially after the enactment of those measures to which I have referred, that it is likely to hold together, I yet believe firmly that this Union, once broken, is utterly incapable, according to all human experience, of being reconstructed in its original character, of being recemented by any chemistry, or art, or effort, or skill of man."

He returned to Washington on one of the last days of May, still looking for rest from all but the official labors of his department, and intending soon to make a visit to Marshfield. But the demands for public speaking pressed upon him without cessation. The corner-stone of a large addition to the Capitol was to be laid with imposing ceremonies, on the 4th of July; and he was earnestly solicited to make the principal address. The President thought it important, and Mr. Webster consented. His purpose of going North was thus frustrated for the present; and, on the 24th of June, to gain a little strength for this occasion, he went into Virginia by way of Harper's Ferry and to Capon Springs, where he arrived on the 25th.[1] There the yeomanry of the country, for fifty miles around, insisted upon entertaining him at a public dinner. The gentleman who presided, William L. Clark, Esq., of Winchester, said, in the course of his remarks:

"Our distinguished guest, who is the subject of these sentiments, has been so kind as to say that here, in the bosom of Virginia, he is at home. I think he said he felt himself at home. We have given you, sir, not only our admiration—that the world gives you—but we have given you our affections. Long ago you enchained our understandings; now you have thrown a spell over our hearts. . . . .

You came among us suddenly, and, I can add, unexpectedly. We have neither pomp nor circumstance to give you; but we have a deep and abiding sense of the inestimable service you have rendered to our beloved country; and we have sought, and do now most earnestly seek, to impress your mind with that conviction."

[1] I am indebted to Charles Lanman, Esq., who soon after this visit to Capon Springs became Mr. Webster's private secretary, and for whom Mr. Webster had a most affectionate regard, for some interesting notes, from which I take the following extract:

"In June, 1851, I casually alluded, in his presence, to a visit that I had just paid to Capon Springs, whereupon he at once proposed to go there with his family, and insisted upon my joining the party. His journey to that place was a continuous ovation; the people at Harper's Ferry, Winchester, etc., coming forth to welcome him in great numbers. At the Springs the citizens gave him a dinner, on which occasion he delivered one of the most pathetic and affecting speeches of his life. It was not [expressly] reported, and of course does not appear in his collected Works; but an outline of it was published in a pamphlet. A passage in it, alluding to his advanced age, and to his desire to be remembered, melted the whole audience to tears. Before leaving Washington, and while putting off final action in regard to the 'Clayton-Bulwer' Treaty, he proposed to Sir Henry Bulwer to visit the Springs also. He did so; but Mr. Webster was so busy in attending to his health, and talking to the Virginia farmers about agriculture and the surrounding scenery, that no diplomatic measures were concluded. He remained at Capon about two weeks, and it was on his return to Washington that he invited me to join him in the State Department. For several months I acted as his private secretary, while holding the official position of Librarian of the War Department. In November, 1851, however, I was appointed Librarian of Copyrights in the Department of State, and continued to act as his secretary until his death. During my intercourse with him I accompanied him in all his visits to Franklin and Marshfield; and I was only prevented from being with his sorrowing friends at the last by the illness of a member of my own family."

Mr. Webster rose to reply amid deafening applause. He said:

"Ladies and Gentlemen, Fellow-Citizens of Virginia: It is my first duty to express, however inadequately, my gratitude to you, one and all, for this unexpected token of respect. I am aware that many of you have come from great distances; many of you, I know, have come upon the saddle, under a burning sun, and you have done this to tender me this token of your regard. I know also that many of you have left your estates and harvest-fields at a time when every hour, whether of proprietor or workman, is so important. For this, gentlemen, I thank you. I am afraid this courtesy has been to you costly and inconvenient, and therefore, gentlemen, it sinks more deeply in my heart. I thank you, gentlemen.

"It has been my fortune to have seen much of Eastern Virginia and of Southern Virginia; in past times, also, gentlemen, I have seen something of Western Virginia, those counties bordering on the Ohio River; but not until this week has it been my fortune to have seen any thing of the beautiful and renowned valley where I now stand. I esteem it a great pleasure to have a few days' leisure, or, at least, a few days that I could spare from my official duties, to follow the course of the Potomac, penetrate the Blue Ridge, and, turning to the left, along the valley of the Shenandoah, see something of the country between the Blue Ridge and the Alleghany. My journey through your country thus far has been one of great gratification and admiration. I am free to confess that, from the time I crossed the Potomac, and, leaving it, went with the train upward along the valley of the Shenandoah, I have seen a country abounding in fertility, and remarkable for its vast richness and beauty. I have seen the great grain-growing counties of New York, and of Ohio, and other Western States; of England, from Herefordshire to the borders of Scotland; but I have never seen any wheat-growing region surpassing that which I crossed between Harper's Ferry and Winchester. I have been told that the same rich country extends beyond, and is to be found through Shenandoah, Rockingham, and Augusta Counties. I hope, gentlemen, soon to have an opportunity of witnessing the truth of that statement. I admire, too, your mountain scenery; I admire it for its sublimity and grandeur; though, perhaps, these mountains are not adapted to that high degree of cultivation for which the valley is so remarkable, still they are picturesque, and give rise to thoughts and feelings which tend to elevate and dignify the man who beholds them. I assure you, gentlemen, I should feel most happy, if my time would permit—and I hope, before long, I may have the opportunity to proceed still farther in this region of the State—to go westward to the banks of the South Branch of the Potomac, and see that great corn-growing and cattle-raising country of which I have heard, and of which I have read so much, for nearly half my life. But this, at present, my time will not allow. This is my first visit to this part of Virginia, but I hope, gentlemen, it will not be the last.

"There are two elements which constitute a country—soil and climate are one, men and women the other. Here they are both to be found. But, even if there were no men and women in this region, the country would still be valuable and beautiful; and, if it were as barren as yonder rock" (pointing through the window to a jutting cliff which overhangs the spring), "but were filled with intelligent men and refined and educated women, like those who now throng this wide hall, it would be most admirable still. So, if either were here, your country would be beautiful and fascinating; and you, gentlemen, know how enchanting it must be and is when both are so happily combined.

"But I must now turn my attention to the toast which has been read by my friend, a friend of long standing, at the head of the table. I must attribute its terms to the partiality of friendship, and I am sure that they are somewhat extravagant. I disclaim having done any thing in support and defence, and in the maintenance of the Constitution, except what I have done in coöperation with other abler men; with men of high character and true devotion to their country and its political institutions. [Applause.] I was bred, gentlemen, indeed, I might almost say I was born, in admiration of our political institutions. I have studied them long, and, in fact, have studied little else of a political nature. All the public acts of my life have been performed in the service of the General Government. I have never held any office under any State government; and, with the exception of a few days only, I have never been a member of a State Legislature. I am, as you may know, a lawyer, and, from necessity, a laborious one. I know not how the bread of idleness tastes, for I have never had a bit of it in my mouth. [Great applause.] This, perhaps, savors of self-commendation, but I hope it may be pardoned. If, in the discharge of my public duties, and in the performance of my public services, my private interests have suffered and been neglected, I am amply compensated by the hope that, if I have no broad estate, no rich accumulations, I shall leave at least an inheritance not entirely disreputable to those who shall come after me. [This sentence was uttered under great emotion, and received the most enthusiastic applause.]

"I profess, gentlemen, to have acted throughout my life upon those principles which have governed your ancestors, and my own New-England ancestors, in the times that tried men's souls—that is to say, in the Revolutionary struggle, and in that other most important period which witnessed the establishment of a General Government.

"All know that, in this last, high, and important proceeding, Virginia took an eminent lead. She saw that, to the disgrace of the country, the debt of the Revolution remained unpaid; and that gallant officers and brave soldiers, who had brought wounds, scars, and broken limbs from the battle-fields of Liberty, were reduced to poverty and want, and that some of them were almost literally begging their bread. The great and good men of other States felt the same evil, and their hearts were wrung by a similar anguish.

"An English poet has said that there was a time when, for an Englishman, it was fame enough—

> 'That Chatham's language was his mother tongue,
> And Wolfe's great name compatriot with his own.'

"Now, gentlemen, it is fame enough for me, if it may be thought that, in my political conduct, I have maintained, defended, and acted upon the principles of Virginia and Massachusetts, as these principles were proclaimed and sustained in the two great epochs in the history of our country—the Revolution and the adoption of the present constitutional Government. If I have worked steadily toward this end, I am sure that, whether much has been done or little has been done, it has been directed toward a good purpose. [Loud applause.] All that I say to-day, and all that I may say on similar occasions, I wish to be in the spirit of Washington and Madison, Wythe and Pendleton, and the proscribed patriots of Massachusetts, Hancock and Samuel Adams. [Applause.] If these and other great founders of our liberty, and fathers of our Constitution, erred, then have I erred; then have I been the most incorrigible of political sinners. [Laughter.] But, if they were right, then I venture to hope that I am right also; and 'neither principalities nor powers, nor things present nor things to come,' shall eradicate that hope from my breast. [Loud and enthusiastic cheering.]

"The leading sentiment in the toast from the Chair is the Union of the States. The Union of the States! What mind can comprehend the consequences of that Union, past, present, and to come? The Union of these States is the all-absorbing topic of the day; on it all men write, speak, think, and dilate, from the rising of the sun to the going down thereof. [Applause.] And yet, gentlemen, I fear its importance has been but insufficiently appreciated. Like all common blessings, however great, it has not been of late years the subject of reflection. The unthinking and careless hardly take heed of that atmosphere which supports their lives from day to day, and from hour to hour. As the sun rises in the morning, follows its track through the heavens, and goes down at night, we notice its course, enjoy its light and heat, and, when we see it sink beneath the western horizon, we have no doubt, we do not think of the possibility, that it may not appear for another day. We are in no fear of perpetual darkness, or the return of chaos. So it is with our political system under a united Government and national Constitution. To these most of us were born; we have lived under their daily blessings, as if these blessings were not only matters of course, but imperishable also. But alas! gentlemen, human structures, however strong, do not stand upon the everlasting laws of Nature. They may crumble, they may fall; and republican institutions of government will assuredly sooner or later crumble and fall, if there shall not continue to be among the people an intelligent regard for such institutions, a great appreciation of their benefits, and a spirited purpose to uphold and maintain them. And, when they

shall crumble and fall, the political catastrophe will resemble that which would happen in the natural world were the sun to be struck out of heaven. If this Union were to be broken up by nullification, separation, secession, or any event whatsoever of equally repulsive name and character, chaos would come again, and, where all is now light, and joy, and gladness, there would be spread over us a darkness like that of Erebus. Yes, gentlemen, I have little patience with those who talk flippantly of secession and disunion; they do not appear to me to understand of what they speak, nor to have the least idea of its consequences. If they have any meaning, I do not comprehend that meaning. Suppose this Union were dissolved to-day, where should we be to-morrow? I think a state of things would arise in which I should feel disposed to take shelter in the caverns of the mountains, or seek some other place of obscurity, in which I should not witness the degradation and ruin of the country. Every anticipation of such an event presents a gloomy and horrible picture; it is a vast Serbonian bog, in which no man could be happy, unless he thought he was about getting out. Those who love the Union ardently, and who mean to defend it gallantly, are happy, cheerful, with bright and buoyant hopes for the future, and full of manly firmness and resolution. But secession and disunion are a region of gloom, and morass, and swamp; no cheerful breezes fan it; no spirit of health visits it; it is all malaria; it is all fever and ague. [Laughter and applause.] Nothing beautiful or useful grows in it; the traveller through it breathes miasma, and treads among all things unwholesome and loathsome. It is like the region of your great Dismal Swamp; it is all

> 'Tangled juniper, beds of weeds,
> With many a fen where the serpent feeds,
> And man never trod before.' [Laughter.]

"For one, I have no desire to breathe such an air, or to have such footing for my walks. [Applause.]

"Gentlemen, I am aware that the respect paid to me to-day is in consequence of my support of the adjustment measures of the last Congress. Although I wished to raise no false alarm, nor create any fears, yet, I believed in my conscience that a crisis was at hand—a dangerous, a fearful crisis; and I resolved to meet it at any hazard, and with whatever strength I possessed. A true patriot, like a faithful mariner, must be prepared for all exigencies; in the words of the old song—

> 'He is born for all weathers;
> Let the winds blow high or blow low,
> His duty keeps him to his tethers,
> And where the gale drives he must go.' [Applause.]

"The support of the Union is a great practical subject, involving the prosperity and glory of the whole country, and affecting the prosperity of every individual in it. We ought to take a large and comprehensive view of it; to look to its vast results, and to the consequences which would

flow from its overthrow. It is not a mere topic for ingenious disquisition, or theoretical or fanatical criticism. Those who assail the Union at the present day seem to be persons of one idea only, and many of them of but half an idea. [Applause.] They plant their batteries on some useless abstraction, some false dogma, or some gratuitous assumption. Or, perhaps, it may be more proper to say, that they look at it with microscopic eyes, seeking for some spot, or speck, or blot, or blur, and, if they find any thing of this kind, they are at once for overturning the whole fabric. And, when nothing else will answer, they invoke religion and speak of a higher law. Gentlemen, this North Mountain is high, the Blue Ridge higher still; the Alleghany higher than either; and yet this higher law ranges farther than an eagle's flight above the highest peaks of the Alleghany. [Laughter.] No common vision can discern it; no conscience, not transcendental and ecstatic, can feel it; the hearing of common men never listens to its high behests; and therefore one should think it is not a safe law to be acted on, in matters of the highest practical moment. It is the code, however, of the fanatical and factious abolitionists of the North.

"The secessionists of the South take a different course of remark. They are learned and eloquent, they are animated and full of spirit, they are high-minded and chivalrous; they state their supposed injuries and causes of complaint in elegant phrases and exalted tones of speech. But these complaints are all vague and general. I confess to you, gentlemen, that I know no hydrostatic pressure strong enough to bring them into any solid form, in which they could be seen or felt. [Laughter and applause.] They think otherwise, doubtless. But, for one, I can discern nothing real or well-grounded in their complaints. If I may be allowed to be a little professional, I would say that all their complaints and alleged grievances are like a very insufficient plea in the law; they are bad on general demurrer for want of substance. [Loud laughter.] But I am not disposed to reproach these gentlemen, or to speak of them with disrespect. I prefer to leave them to their own reflections. I make no arguments against resolutions, conventions, secession speeches, or proclamations. Let these things go on. The whole matter, it is to be hoped, will blow over, and men will return to a sounder mode of thinking. *But one thing, gentlemen, be assured of, the first step taken in the programme of secession, which shall be an actual infringement of the Constitution or the laws, will be promptly met.* [Great applause.] And I would not remain an hour in any Administration that should not immediately meet any such violation of the Constitution and the law effectually and at once. [Prolonged applause.] And I can assure you, gentlemen, that all with whom I am at present associated in the Government entertain the same decided purpose. [Renewed applause, with cheers.]

"And now, gentlemen, let me advert to a cheering and gratifying occurrence. Let me do honor to your great and ancient Commonwealth of Virginia. Let me say that, in my opinion, the resolutions passed by her Legislature at the last session, in which some gentlemen now present bore

a part, have effectually suppressed, or greatly tended to suppress, the notion of separate governments and new confederacies. [Great applause.] All hopes of disunion, founded upon the probable course of Virginia, are dissipated into thin air. [Cheers.] An eminent gentleman in the Nashville Convention ejaculated: 'O that Virginia were with us! If Virginia would but take the lead in going out of the Union, other Southern States would cheerfully follow that lead.' Ah, but that 'if' was a great obstacle! [Laughter.] It was pregnant with important meaning. 'If Virginia would take the lead!' But who, that looked for any consistency in Virginia, expected to see her leading States out of the Union, since she took such great pains, under the counsels of her ablest and wisest men, to lead them into it? [Applause.] Her late resolutions have put a decided negative upon that 'if,' and the country cordially thanks her for it.

"Fellow-citizens, I must bring these remarks to a close. Other gentlemen are present to whom you expect to have the pleasure of listening. [Cries of "Go on! go on!"] My concluding sentiment is—

"The Union of the States: May those ancient friends, Virginia and Massachusetts, continue to uphold it so long as the waves of the Atlantic shall beat on the shores of the one, or the Alleghanies remain firm on their bases in the territories of the other!"

Mr. Webster was again called up by a gentleman of the Democratic party, who expressed his approval of the speech just quoted, although, he said, he had differed from Mr. Webster widely on nearly every question of public policy.

Mr. Webster then said:

"Whatever may have been the differences of opinion which have heretofore existed between the Democratic and Whig parties on other subjects, they are now forgotten, or, at least, have become subordinate; and the important question that is now asked is, Are you a Union man? [Great applause.] The question at this time is, the Union, and how we shall preserve its blessings for the present and for all time to come? To maintain that Union, we must observe, in good faith, the Constitution and all its parts. If that Constitution be not observed in all its parts, but its provisions be deliberately and permanently set aside in some parts, the whole of it ceases to be binding; but the case must be clear, flagrant, undeniable, and in a point of vital interest. In short, it must be such as would justify revolution; for, after all, secession, disruption of the Union, or successful nullification, are but other names for revolution. Where the whole system of laws and government is overthrown, under whatever name the thing is done, what is it but revolution? For it would be absurd to suppose that, by whole States and large portions of the country, either the North or the South has the power or the right to violate any part of that Constitution directly, and of purpose, and still claim from

the other observance of its provisions. [Applause.] If the South were to violate any part of the Constitution intentionally and systematically, and persist in so doing year after year, and no remedy could be had, would the North be any longer bound by the rest of it? And if the North were deliberately, habitually, and of fixed purpose, to disregard one part of it, would the South be bound any longer to observe its other obligations? This is indeed to be understood with some qualification, for I do not mean, of course, that every violation by a State of an article of the Constitution would discharge other States from observing its provisions. No State can decide for itself what is constitutional and what is not. When any part of the Constitution is supposed to be violated by a State law, the true mode of proceeding is to bring the case before the judicial tribunals; and, if the unconstitutionality of the State law be made out, it is to be set aside. This has been done in repeated cases, and is the ordinary remedy. But what I mean to say is, that, if the public men of a large portion of the country, and especially their representatives in Congress, labor to prevent, and do permanently prevent, the passage of laws necessary to carry into effect a provision of the Constitution, particularly intended for the benefit of another part of the country, and which is of the highest importance to it, it cannot be expected that that part of the country will long continue to observe other constitutional provisions made in favor of the rest of the country; because, gentlemen, a disregard of constitutional duty, in such a case, cannot be brought within the corrective authority of the judicial power. If large portions of public bodies, against their duties and their oaths, will refuse to execute the Constitution, and do, in fact, prevent such execution, no remedy seems to lie by any application to the Supreme Court. The case now before the country clearly exemplifies my meaning. Suppose the North to have decided majorities in Congress, and suppose these majorities persist in refusing to pass laws for carrying into effect the clause of the Constitution which declares that fugitive slaves shall be restored, it would be evident that no judicial process could compel them to do their duty, and what remedy would the South have?

"How absurd it is to suppose that, when different parties enter into a compact for certain purposes, either can disregard any one provision, and expect, nevertheless, the other to observe the rest! I intend, for one, to regard, and maintain, and carry out, to the fullest extent, the Constitution of the United States, which I have sworn to support in all its parts and all its provisions. [Loud cheers.] It is written in the Constitution: 'No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.'

"That is as much a part of the Constitution as any other, and as equally binding and obligatory as any other on all men, public or private. [Applause.] And who denies this? None but the abolitionists of the

North. And pray what is it they will not deny? [Great applause and laughter.] They have but one idea; and it would seem that these fanatics at the North and secessionists at the South are putting their heads together to devise means to defeat the good designs of honest and patriotic men. They act to the same end and the same object, and the Constitution has to take the fire from both sides.

"I have not hesitated to say, and I repeat, that if the Northern States refuse, wilfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy, the South would no longer be bound to observe the compact. [Immense applause.] A bargain cannot be broken on one side, and still bind the other side. I say to you, gentlemen, in Virginia, as I said on the shores of Lake Erie and in the city of Boston, as I may say again in that city or elsewhere in the North, that you in the South have as much right to receive your fugitive slaves as the North has to any of its rights and privileges of navigation and commerce. I desire to be understood here among you, and throughout the country, that in hopes, thoughts, and feelings, I profess to be an American—altogether and nothing but an American—and that I am for the Constitution, and the whole Constitution. [Long and continued cheering.] I am as ready to fight and to fall for the constitutional rights of Virginia as I am for those of Massachusetts. I pour out to you, gentlemen, my whole heart, and I assure you these are my sentiments. [Cheers.] I would no more see a feather plucked unjustly from the honor of Virginia than I would see one so plucked from the honor of Massachusetts. [Great applause.] It has been said that I have, by the course I have thought proper to pursue, displeased a portion of the people of Massachusetts. That is true, and, if I had dissatisfied more of them, what of that? [Great and continued applause.] I was in the Senate of the United States, and had sworn to support the Constitution of the United States.

"That Constitution made me a Senator of the United States, acting for all the States, and my vote was to bind the whole country. I was a Senator for the whole country. [Applause.] What exclusive regard had I to pay to the wishes of Massachusetts upon a question affecting the whole nation, and in which my vote was to bind Virginia as well as Massachusetts? My vote was to affect the interests of the whole country, and was to be given on matters of high constitutional character. I assure you, gentlemen, I no more respected the instructions of Massachusetts than I would have respected those of Virginia. It would be just as reasonable to expect me to vote as the particular interests of Massachusetts required, as it would be to expect that, as an arbitrator, a referee, or an umpire between two individuals, I was bound to obey the instructions of one of them. [Applause.] Could I do that? Have I descended, or am I expected to descend, to that level? [Cries of "Never, never!" "You are not the man to do it."] I hope not.

"Gentlemen, instructions from States may properly be regarded as ex-

pressions of opinion by well-informed political men, and, in that view, are entitled to respect. But that a Senator in Congress, acting under the Constitution, and bound by his duty and his oath to act, in all things, according to his conscience, for the good of all the States, should, nevertheless, be bound by the will of one of them, is preposterous. Virginia has not consented that her rights, under the Constitution, shall be judged of by the Legislature of Massachusetts; nor has Massachusetts agreed that hers shall be judged of by the Legislature of Virginia. But both have agreed that their rights and interests shall be judged of by persons, some of whom are appointed by each, and all bound to decide impartially. That men, mutually chosen to decide the rights of parties under a compact, are yet to be bound, each to the will of the party appointing him, is an absurdity exceeding all other absurdities."

What Mr. Webster had said at Capon Springs, in speaking of one of the compacts or compromises between the Northern and Southern sections of the Union, on which the Constitution was founded, was at once misrepresented, especially in North Carolina, as a confirmation by him of the doctrine that the Constitution itself is a compact between sovereign States, and as drawing after it, as a resulting right, the right of State secession from the Union. A citizen of North Carolina accordingly wrote to Mr. Webster on this subject, and received from him the following answer, which was immediately made public:

"Marshfield, *August* 1, 1851

"Dear Sir: I have received your letter of the 20th of July.

"The Constitution of the United States recognizes no right of secession as existing in the people of any one State or any number of States. It is not a limited confederation, but a government; and it proceeds upon the idea that it is to be perpetual, like other forms of government, subject only to be dissolved by revolution.

"I confess I can form no idea of secession but as the result of a revolutionary movement. How is it possible, for instance, that South Carolina should secede, and establish a government foreign to that of the United States, thus dividing Georgia, which does not secede, from the rest of the Union? Depend upon it, my dear sir, that the secession of any one State would be but the first step in a process which must inevitably break up the whole Union into more or fewer parts.

"What I said at Capon Springs was an argument addressed to the North, and intended to convince the North that, if, by its superiority of numbers, it should defeat the operation of a plain, undoubted, and undeniable injunction of the Constitution, intended for the especial protection

of the South, such a proceeding must necessarily end in the breaking up of the Government; that is to say, in a revolution.

"I am, dear sir, with respect, your obedient servant,

"DAN'L WEBSTER."

The corner-stone of the addition to the Capitol was laid by President Fillmore on the 4th of July. Beneath that stone there was deposited, among other things, a brief account of the proceedings, in Mr. Webster's handwriting. It contains this passage:

"If, therefore, it shall hereafter be the will of God that this structure shall fall from its base, that its foundations be upturned, and this deposit brought to the eyes of men, be it then known that on this day the Union of the United States of America stands firm, that their Constitution still exists unimpaired, and with all its original usefulness and glory; growing every day stronger and stronger in the affections of the great body of the American people, and attracting more and more the admiration of the world. And all here assembled, whether belonging to public life or to private life, with hearts devoutly thankful to Almighty God for the preservation of the liberty and happiness of the country, unite in sincere and fervent prayers that this deposit, and the walls and arches, the domes and towers, the columns and entablatures, now to be erected over it, may endure forever."

The address which he delivered on this occasion was the fit complement of those great public discourses which he had now been making for more than a year. In those, while we feel his exalted patriotism, and his power as a statesman striving to produce a new tone in national feeling, we are sensible that there is that which is of the present, the controversial, and the personal. But now he rises to a still higher strain. He is speaking to posterity as well as to the generation around him. He feels himself, for the moment, to be the organ and representative of all America, to express and to define American constitutional liberty; that liberty to which Greece and Rome did not attain, that liberty which, based on popular representative institutions, gives to the will of the majority the force of law, makes the law the supreme rule of government for all, and embodies these, its fundamental principles, in written constitutions, founded on the immediate authority of the people themselves. He then shows what this liberty had accomplished in the fifty years since

Washington laid the first foundation-stone of the Capitol, by a tabular statement exhibiting the growth of the United States from a little less than four millions of people to more than four and twenty millions, with the details which such an increase involved. He notices the application of the sciences to the useful arts, their cultivation in the highest branches, and for the advancement of human knowledge; the creation of a national literature; the establishment of a navy and an army; the increased and the increasing means of intercourse and locomotion; the general diffusion of education; the institutions of religion, charity, and reformation of criminals—all the multiplied and multiform features of a high, expanding, and beneficent civilization. And this prosperity and these blessings he traces, as to their proximate cause, to the union of the States, and to the Constitution which had cemented it.

Such devotion to an established system of government, which was the main characteristic of Mr. Webster throughout his whole career, may, in the minds of some, give rise to the question whether it evinced the highest reach of statesmanship. In other words, did he consult the best interests and satisfy the gravest duties of the American people, by teaching them that, to lose the Constitution of the United States, was to lose the greatest political good? Such a question must be answered by first settling the conditions which circumscribe all statesmanship; for, as he himself always maintained, the preservation of the American Union is an eminently practical matter, and one that cannot be justly weighed in the scales of speculative opinion, or be governed by abstract moral propositions. A statesman, in the most important and most useful, and therefore in the highest sense, is he who, taking into his enlarged comprehension the whole of what constitutes the actual situation of his country, labors to maintain and to administer that government which is the ultimate condition of its welfare, its peace, and its prosperity. The Constitution of the United States, as it was established in 1788, when judged by speculative or foreign opinion, may not be a perfect theory of government; and, so far as the American Union gave the public sanction of law to the continued enslavement of a portion of the human race, it was easy to say of it

that it compromised with wrong. But what was the question that presented itself to this statesman through his whole life? It was no less than this: what but civil war and all its attendant evils—the ruin of great institutions of freedom—can be the consequence of breaking up the American Union? Whatever might be the form, the occasion, or the pretext for disruption; whatever might be the character of the system or the systems that could be aimed at, to take the place of what had descended to us from Washington and his compatriots—this result of civil war Mr. Webster believed to be the sure consequence of acting otherwise than according to its constitutional requirements, or of seeking by sudden and violent changes to free it from alleged imperfections. Within the limits of its requirements, the further spread of slavery could be restrained; but, even for this purpose, the peace of the Union was not to be hazarded by purely unnecessary measures. Charity may lead us to believe that neither in the North nor in the South did those who differed from Mr. Webster's policy desire or expect a civil war; but charity does not require us to assign to them the praise of superior wisdom. We have passed through what he foresaw; and our national sufferings have shown that, in making the safety of our Constitution the constant and the consistent aim of his life, he was wise and just, and that he fulfilled the highest function which history or philosophy can assign to a statesman.

[FROM J. H. B. LATROBE, ESQ., OF BALTIMORE.]

"BALTIMORE, *July* 7, 1851.

"MY DEAR SIR: I have just read your late address on the occasion of laying the corner-stone of the addition to the Capitol. It reminds me that you might like to have recalled something you once said to me.

"Twenty years ago, when we were together at Annapolis, in the winter of 1830-'31, and as we were passing one evening from our chambers to the mess-room, you laid your hand on my shoulder, and said, abruptly: 'My young friend, be in no haste to embark in politics. The time may come when all good men and true must rally round the Constitution. *That* will be the time; and, when we raise its banner, it shall glitter like the ORIFLAMME!'

"In the interval that has elapsed since this prophecy was made, I have told this anecdote a hundred times; and, more than once, since I have seen you with the banner in your hand, have thought of reminding you

of the incident. That the banner 'glitters,' and that its folds flap thunder, as you hold it, no one will deny.

"Very truly and faithfully yours,

"Jno. H. B. Latrobe.

"Hon. Daniel Webster, Washington."

[To mr. latrobe.]

"Washington, *July* 10, 1851.

"My dear Sir: I am exceedingly obliged to you for your friendly letter of the 7th instant. Our short sojourn together, at Annapolis, twenty years ago, is always recollected by me with pleasure. We attended to our professional duties, I hope, with diligence, but I remember that we had a good deal of general conversation which was quite agreeable to me. We talked of Shakespeare, and the Players' edition of his plays; and, if I mistake not, settled the question whether shoes were made right and left in Shakespeare's time, by referring to the passage in 'King John,' in which the tailor told his news,

> 'Standing on slippers (which his nimble haste
> Had falsely thrust upon contrary feet);'[1]

and I think we found other passages to the like effect. I remember, also, that you kindly arranged to send me some Scotch broom, then growing near Annapolis, and which is now flourishing at Marshfield.

"As to the particular occurrence which you mention, I recollect this, that, some time afterward, when we happened to meet, you recalled it to my attention.

"My dear sir, I am not worthy to be trusted with bearing up our great constitutional Oriflamme; but I will do my best to keep it aloft if you, and other men like you, will stand thick around.

"I am, my dear sir, with unabated friendship and regard,

"Yours truly,

"Dan'l Webster.[2]

"John H. B. Latrobe, Esq."

Soon after the ceremony of laying the corner-stone of the Capitol extension, Mr. Webster went to Marshfield, where and at Franklin he remained until the last week in October. In regard to his health, this was a summer and autumn of pre-

[1] King John, act ii., sc. 2.

[2] Mr. Latrobe relates that, in 1830–'31, as they were passing from their rooms at the hotel, in Annapolis, to the supper-room, Mr. Webster stopped short, turned round very suddenly, and, placing a hand on each of his shoulders, uttered the speech above quoted, without any thing having passed to suggest it. "I was," says Mr. Latrobe, "a very young man at the time, and Mr. Webster's solemn words rung in my ears long afterward; and I repeated his words so often, that I am sure I now give them rightly. As we all know, *they were prophecy;* and, after his noble speech at the laying of the corner-stone of the Capitol extension, I wrote to him, reminding him of the occurrence."—(*Letter to the Literary Executors*, January 26, 1853.)

monitions. The disorders which had been lurking in his system for some years now began to assume new forms, although they did not, until a year afterward, subject him to what may be called an acute disease. His constitution, as has more than once been said, was naturally very strong. He could endure, until he was past the age of sixty-five, an amount of labor and fatigue such as few persons of corresponding pursuits have been able to undergo. But his robust physical powers were weakened, as he approached the age of seventy, by two disorders —his periodical catarrh, and an almost constant tendency to diarrhœa. To these, in the course of this autumn, was added a slight attack of gout, which may have been the result of efforts to ward off the catarrh. The following extracts from his private letters evince the change which his constitution was now undergoing.

[TO THE PRESIDENT.]

"MARSHFIELD, *July* 20, 1851.

" . . . I am gaining in health and strength, but rather more slowly than I could wish. The truth is, the attack at Harrisburg, in April, has never been quite overcome; and the fatigues and the necessary labor and effort connected with the 4th of July may well enough account for this. I have been here now one week, and I feel decidedly improved, and pass a great part of every fair day out of doors, generally on the sea; and dispatch affairs which must be dispatched, only in the morning. More than half the time I have dined in the boat, on cold meat and bread.

"But, then, the great question, and the thing now most to be dreaded, is the catarrh, which the next month has not failed to bring with it for so many years. In regard to this, I have adopted some new views and opinions arising out of a letter from the Rev. Mr. Croes, New Brunswick, New Jersey, a copy of which I enclose with this letter. I am persuaded that voyages and journeys cannot be relied upon with any confidence; nor any change of air, nor the waters of any spring. I have laid Mr. Croes's letter before Dr. Jackson, of Philadelphia, who has adopted its general ideas, and put me upon a course of medicine, to be begun now, and rigidly adhered to till the day for the regular attack of the disease shall come. He adds iodate of iron to the hydriodate of potash. I begin the course this day; and propose to remain here, unless I should some time hence go as far as Maine and Vermont, for general recreation, or unless I should be summoned to Washington, which I hope may not happen for the present. I shall keep a clerk here, and attend to every thing sent by Mr. Derrick, and especially every thing suggested by you. I keep out of Boston, and out of all crowds. Mrs. Webster proposes to go to Saratoga, the Falls,

etc., with her brother, Mr. William LeRoy, and family, setting out about the 5th of August. As I shall hardly be a housekeeper in her absence, I shall escape much rush of company. . . .

"Yours truly,

"DAN'L WEBSTER."

[TO THE PRESIDENT.]

"FRANKLIN, *August* 19, 1851.

"MY DEAR SIR: Although I date this letter at Franklin, and shall send it thither to be mailed, yet, in truth, I write it among the White Mountains. I stayed at Franklin until the cars, passing and repassing every few hours, began to bring me many daily visitors; and, as I wished for quiet and privacy, I took my own conveyance and came off in this direction. There are few inhabitants in these mountains, and no company, except tourists, who pass along rapidly, and disturb no one's repose. The weather has been fine, and my health improves daily; yet it is not perfect, as the complaint which attacked me at Harrisburg still more or less annoys me. I have never had confidence that I should be able to avert entirely the attack of catarrh; but I believe that, at least, I shall gain so much in general health and strength as to enable me, in some measure, to resist its influence, and mitigate its evils. Four days hence is the time of its customary approach. Within that period I shall fall quietly back on Franklin. . . .

"DAN'L WEBSTER."

[TO MR. BLATCHFORD.]

"ELMS FARM, *August* 23, 1851.

". . . The warmth with which you express your friendship toward me deeply touches me. Be assured, my dear sir, that your affectionate regard is fully reciprocated. I like your intelligence, I respect your judgment, I have sympathy with your principles and your feelings, and I like your society. It is my fervent wish that your friendship, as a source of happiness to me, may continue to refresh and gladden my way through all the little remainder of the path of life which is yet to be trodden. Heaven's blessing ever rest on you and yours! and may you see many, many happy days, when all that you know of me shall be matter of memory!

"In regard to health, my dear friend, I remain as when you left me, except, I think, my general strength has improved, and the affection of the feet, which I am forced to believe is gout, is less troublesome and painful. Still, my feet are quite tender, and not without occasional twinges. I cannot say that at this moment I feel any symptom of catarrh whatever. Still, I am cautious, and continue the use of all the medicines, keep indoors, except in fine weather, and avoid every thing which might give the enemy an opening through which he might enter.

"In the afternoon, yesterday, I received your dispatch, and suppose

that an hour hence you will be at the Tremont. I thank you for having written to Mrs. Webster, for really I hardly know where to direct letters for her. I have not as yet heard from her as actually at Niagara.

"My dear sir, may I ask if I am likely to get any slippers, or soft shoes, or boots? You undertook a very humble service, but you are so sure to perform what you undertake, that I relied on no one else. I suppose you could find none ready made, and I write this only to pray you not to let even so small a matter to *slip* out of your memory. . . .

"Yours, always sincerely and truly,

"Dan'l Webster."

[TO MR. HAVEN.]

"Franklin, *August* 27, 1851.

"My dear Sir: Thus far the catarrh holds off. It was due the 23d, but, as yet, does not show itself. But I dare not have confidence, for some days yet, that it will not come on in force. Our housekeeper, who has been with us ten years, and is now here, never had any hopes that the annual attack might be averted this time until this morning. She now thinks that, by great care, it may be made to pass by. I shall, I think, remain here some time longer. I am quite alone, but the weather is fine, and on the whole I enjoy the leisure very much. . . .

"Yours truly,

"Dan'l Webster."

[TO THE PRESIDENT.]

"Franklin, *September* 8, 1851.

". . . I have had rather a hard time. I have been able to keep off the catarrh so far, but it has called on me to take so much medicine as a good deal to derange my system. In addition to this, I was attacked three weeks ago by a violent pain in one of my feet, which the doctor says is gout. I can hardly believe this, as we never had gout in our family; but there is something, which is by spells exceedingly painful. The physicians say it will do my constitution a great deal of good, and go off in good time. I go to Boston to-day, where Mrs. Webster is, and thence immediately to Marshfield. By the process, thus far, I have lost flesh, and am not a little reduced.

"Yesterday and Sunday were exceedingly hot, bright days; and, although I did not step out of the house, the heat affected my eyes, much after the catarrh fashion. I resisted the attack, however, by the application of ice. This effort to avert the catarrh, and this appearance of gout, if it be gout, will produce a change of some sort in the state of my health. I do not know how it will come out, but hope for the best. . . .

"Yours always truly,

"Daniel Webster."

[TO MR. BLATCHFORD.]

"Marshfield, Green Harbor, *September* 15, 1851.

"My dear Friend: Since I wrote you last I have gone through sudden and various changes in regard to my health. Things wore on much as they had been going, until the 1st of this month. Then excessively hot weather set in, and gave a new turn to matters. Saturday the 6th, Sunday the 7th, and Monday the 8th, were intolerable days for heat. On Saturday, although I did not step over the threshold, my eyes became strongly affected, much after the catarrh fashion, and this continued. Monday afternoon, the weather appearing to cool a little, and the cars not passing till six o'clock, I ventured on board for Boston. We were unlucky. The engine was thrown off the track by running over cattle; it was midnight before we got in. I took a heavy cold, and the next day was quite ill all day. Wednesday afternoon I broke away by violence, and came hither by way of the Hingham boat. While in Boston, Dr. Jeffries advised me to leave off all medicine for a time, which I did, and have not yet resumed the taking of any. These things, or some of them, have caused a very sudden improvement. My feet became at once quite well, nor have I felt any great influence of catarrh since I have been here. On Thursday I caught thirty very fine tautog under Sunk Rock. It was just the day for them—mild, still, and a little cloudy. On such a day, and just at the commencement of flood-tide, throw your hook into their den, and the chiefs will all contend for it. I took one seven-pound fellow.

"On Saturday I went out in the Lapwing with Fletcher and some of his Boston friends. We had no great luck, and it came on to rain during a perfect calm, so that we did not escape a wetting. I took little harm from it.

Saturday night, wind and weather changed, and we have had it quite cold. This morning the wind is east, and at sunrise the mercury stood 51°. I doubt whether I shall leave the house to-day. Mr. Lanman came with me from New Hampshire, has been here, and went off this morning for New York. Mrs. Webster, Miss Kate LeRoy, and myself, constitute the parlor part of the household. . . ."

"Yours truly,

"Dan'l Webster."

[TO THE PRESIDENT.]

"Marshfield, *September* 28, 1851.

"My dear Sir: I heard with great pleasure of your arrival at Washington in safety and good health. I am sure your recollections of your visit to the Bostonians must be pleasant, as you gave them all much pleasure. It is a long time since they have seen among them a Whig President; I do not hear any thing but satisfaction from any quarter.

"As soon as you left Boston I went to the country, and stayed two

or three days with Mr. Haven. I was far from being well, and one day quite sick. Sometimes the force of the catarrh seems pretty much broken, and then it returns, attacking the head, eyes, nose, etc., with great violence. I think it is approaching its last stage, which is the asthmatic stage. Some of our friends, who are subjects of the complaint, and who have short necks, dread this. I do not fear much from this, although in this stage I feel its influence more or less on the chest. Meantime, between the catarrh and the Harrisburg diarrhœa, I am a good deal reduced. This cannot be denied, though I am not quite so sick as the newspapers represent me sometimes. The weather is now bad, and I am obliged to keep house; but it does me good to be out in fair weather. In such a day as this, a northeast rain-storm pouring, I cough a little, and am as hoarse as a frog.

"Yours truly,

"Dan'l Webster."

By the time Mr. Webster reached Washington, at the end of the month of October, he was well again.

At this time, the edition of his Works superintended by Mr. Everett was passing through the press, and there are two or three things in regard to it which, proceeding from himself, should be quoted here.

Writing to Mr. Everett from Marshfield, on the 27th of September, he said:

"My speech of the 7th of March, 1850, is probably the most important effort of my life, and as likely as any other to be often referred to. I think, therefore, it ought to have a short name for a running title, and for popular use. I should like to have 'Union' in it in some form, and would retain the date, to distinguish it from other 'Union' speeches. Suppose you say in the running title, 'Mr. Webster's Speech;' or, 'Speech, March 7, 1850, on the Danger of the Union and the Duties of its Friends;' or, 'Speech for the Union and the Constitution, March 7, 1850.'

"Do I not say in the speech, which is not before me, 'I speak to-day for the Union?' I leave all to your taste and judgment, but incline myself strongly for the last form stated above.

"Mr. Clay's resolutions were rather the occasion than the subject of the speech.

"I am on the manuscript to-day.

"Yours truly,

"D. W."

Mr. Lanman was with him as private secretary during this visit to the North; and, while at Franklin, this gentleman made a sketch of Mr. Webster's birthplace, which was sent to

Mr. Everett, to be engraved for one of the volumes of the Works, with the following approval by Mr. Webster:

[TO MR. EVERETT.]

"MARSHFIELD, *October* 18, 1851.

"MY DEAR SIR: The house delineated in Mr. Lanman's sketch is the very house in which I was born. Some of my older brothers and sisters were born in the first house erected by my father, which was a log cabin. Before my birth he had become able to build a small frame-house, which several persons now living will remember, and which is accurately depicted by Mr. Lanman. This house, in its turn, gave way to a much larger one, which now stands on the spot, and which was built by those who purchased the property of my father. I have recently repurchased this spot.

"I will look for Mr. Marston's note, but I thought you had it. I will enclose the several dedications, and send them by this mail or the next.

"Yours, always truly,

"DAN'L WEBSTER."

[TO MR. EVERETT.]

"WASHINGTON, *October* 30, 1851.

"DEAR SIR: I presume the argument in *Gibbons* v. *Ogden* was written [out] by me, and given to Mr. Wheaton. The argument is a pretty good one, and was on a new question. It has been often observed that the opinion of the Court, delivered by Chief-Justice Marshall, follows closely the track of the argument. He adopts the idea, which I remember struck him at the time, that, by the Constitution, the commerce of the several States has become a unit. I think all arguments and discourses have more force and directness when the first person is used.

"Mr. Hunter and Mr. Derrick both say that every word of the [President's] message[1] was written by me, and therefore I see no reason why it should not be stated to have been written by me.

"Yours truly,

"D. W."[2]

While Mr. Webster was absent at the North, it became necessary for the President to fill a vacancy on the bench of the Supreme Court of the United States, occasioned by the death of Mr. Justice Woodbury. The following letters, of the same date, crossed each other on the way:

[1] Transmitting the Treaty of Washington to Congress.

[2] Mr. Webster was at this time in such good health that he could perform a great deal of labor, official and private; and, besides attending to the publication of his Works, he was obliged to write his autograph sometimes at the rate of four or five hundred in the course of an evening, to be inserted in subscribers' copies

[TO THE PRESIDENT.]

"BOSTON, *September* 10, 1851.

"MY DEAR SIR: . . . A very important vacancy is created by Judge Woodbury's death. The general, perhaps I may say the almost universal, sentiment here is, that the place should be filled by the appointment of Mr. B. R. Curtis. Mr. Choate is perhaps Mr. Curtis's leader, and is more extensively known, as he has been quite distinguished in public life. But it is supposed he would not accept the place. He must be conferred with, and I should have seen him to-day, but he is out of town. I shall see him as soon as possible. Every thing being put at rest in that quarter, as I presume it will be the moment I can see Mr. Choate, I recommend the immediate appointment of Mr. Curtis. There will be an advantage in disposing of the matter as soon as may be. Judge Sprague is now on his way home from Europe. His friends, no doubt, will urge his pretensions. Judge Pitman, too, the District Judge of Rhode Island, is a learned lawyer, an able judge, and an excellent man. If an appointment were to be made by promotion from the bench of a district court, it would be very difficult to overlook Judge Pitman, who has been on the bench more years, by a good many, than Judge Sprague, and working at a much smaller salary. But, in my judgment, it is decidedly better to appoint a man much younger than either of these judges. Mr. B. R. Curtis is of a very suitable age, forty-one, he has good health, excellent habits, sufficient industry and love of labor, and, I need hardly add, is, in point of legal attainment and general character, in every way fit for the place. . . . I shall write you again on this subject, the moment I have seen Mr. Choate, or heard from him.

We were all horror-struck this morning by the terrible news of the death, so sudden, of Mrs. Crittenden.

"Yours, always truly,

"DANIEL WEBSTER."

[THE PRESIDENT TO MR. WEBSTER.]

"WASHINGTON, *September* 10, 1851.

"MY DEAR SIR: I was much alarmed last evening by hearing that a telegraphic dispatch had been received, saying that you were very sick, but was relieved this morning by another in the *Republic*, saying that you were in Boston, and very well.

"I infer, however, from yours of the 8th, which has just come to hand, that neither dispatch was entirely correct. But I am greatly gratified to learn that you have thus far escaped the *catarrh*. I am sorry, however, to hear that you are troubled with the gout. I know nothing of the disease except by report, but, if not dangerous, it must be extremely painful. I hope soon to hear that you are entirely restored. I shall be happy to see you here at your earliest convenience, but not so soon as to endanger your health

"The telegraph brings us the afflicting intelligence of Mrs. Crittenden's death. This will be a severe blow to Mr. Crittenden, and may delay his return for some time. I feel that it is a very great loss to our circle of friends. She was a most remarkable woman, and I should think almost indispensable to her husband's happiness.

"I have declined the invitation to Boston. I feel unwilling to leave the city while the Pampero is yet at sea. Should she be captured by a Spanish man-of-war, before landing in Cuba, it might present a very delicate and embarrassing question, and I should prefer being here, where I could act promptly.

"The vacancy occasioned by the death of Judge Woodbury will soon have to be filled; and I should be happy to see you, that we might converse freely on the subject. I believe that Judge McLean is the only Whig now upon the bench; and he received his appointment from General Jackson. I am therefore desirous of obtaining as long a lease, and as much moral and judicial power, as possible, from this appointment. I would, therefore, like to combine a vigorous constitution with high moral and intellectual qualifications—a good judicial mind, and such age as gives a prospect of long service. Several distinguished names have occurred to me, but I do not consider myself so intimately acquainted with the New-England bar as to be able to form a correct opinion. I have, however, formed a very high opinion of Mr. B. R. Curtis. What do you say of him? What is his age, constitution, and what are his legal attainments? Does he fill the measure of my wishes?

"The weather is extremely hot and uncomfortable. Nothing new.

"I am truly yours,

"Millard Fillmore."

[The President to Mr. Webster.]

"Washington, *September* 12, 1851.

"My dear Sir: I have yours of the 10th, and regret to hear of the accident which exposed you to the night air, to the injury of your health.

"I am happy to see that we concur in opinion as to Mr. B. R. Curtis. I shall wait until you can see Mr. Choate, and, if all is satisfactory, I will issue the commission at once.

"Since declining the invitation to Boston, we have intelligence that the Pampero is at Jacksonville, and probably she will make no further effort on Cuba. Learning from telegraph that the motives for my declining were likely to be misunderstood and misrepresented, and this change in public affairs leaving me at liberty to attend, I had a Cabinet meeting this morning, and most of the Cabinet thought upon the whole I had better go, and I have concluded to do so. I am also urged to this by a desire to visit my family, who are detained at Newport by an accident, by which Mrs. F. has sprained her foot so seriously as to be unable to touch it to the floor. I fear she will have great difficulty in returning to Washington.

"But I shall desire to see you very much, and, if you cannot be at Boston, I shall try to go to Marshfield.

"I write in haste, but am truly yours,

"MILLARD FILLMORE."

The President soon afterward made a visit to Boston, and while there he learned from Mr. Webster that Mr. Choate concurred in the general desire that Mr. Curtis should receive this appointment. It was made as soon as the President returned to Washington.

The reader has now had some account of the labors performed by Mr. Webster, between the autumn of 1850 and the autumn of 1851, in regard to the internal concerns of the country. But it is to be remembered that, at the same time, he was Secretary of State, having under his charge the foreign relations of the United States; and, although these were attended with no extreme danger of hostile collision with any foreign power, they were yet complicated with subjects of great delicacy, perplexity, and importance. To some of these we must now refer.

Among the subjects in the foreign relations of the country which demanded Mr. Webster's attention during the year, was an unpleasant controversy with the Government of Austria, which had been caused by a step taken by the Administration of President Taylor—a controversy, the disposal of which had now devolved upon the Administration of President Fillmore. In June, 1849, President Taylor appointed an agent, Mr. A. Dudley Mann, under secret instructions, to proceed to Hungary, for the purpose of obtaining accurate information concerning the progress of the revolution in that country, with a view of acknowledging her independence, in case of her succeeding in the establishment of a government *de facto* on a basis sufficiently permanent in its character to justify that step according to the practice of our Government in similar cases. This agent, however, did not enter Hungary, or hold any direct communication with her revolutionary leaders; for, on his arrival in Europe, the efforts of those leaders to set up a firm and stable government had failed, in consequence of which he reported to the President against the recognition of Hungarian independence. In March, 1850, the Senate having called for a

copy of Mr Mann's instructions, President Taylor sent a message communicating all the documents relating to this agency, and avowing it to have been his intention to have acknowledged the independence of Hungary if she had succeeded in setting up such a government as is usually regarded to be a government *de facto*.

This proceeding, when it became publicly known, was considered by the Austrian Government as offensive, and its representative in Washington, Mr. Hülsemann, complained of it in an official letter addressed to Mr. Clayton, then Secretary of State. Mr. Clayton answered that Mr. Mann's mission had no other object than to obtain reliable information as to the true state of Hungarian affairs by personal observation. Instructions from the Austrian Government to Mr. Hülsemann, directing his reply to Mr. Clayton, reached Washington, at about the time of President Taylor's death; and when the new Administration of President Fillmore was completely organized, viz., on the 30th of September (1850), this reply was addressed by Mr. Hülsemann to Mr. Webster. The duty was thus devolved upon Mr. Webster of vindicating a measure for which he and President Fillmore were in no way responsible. But Mr. Webster had never admitted the propriety of any discrimination, in conducting the foreign relations of the country, between the acts of different Administrations; and, as the tone of Mr. Hülsemann's letter to him was far from being courteous or just toward the Government of the United States, he thought proper to give it an answer of a very firm character, that should thoroughly vindicate the right of this country to do what had been done or proposed in the case of Hungary. The occasion and the subject, as well as the tenor of Mr. Hülsemann's letter, necessarily opened the relations of the United States toward the people of other countries which might be seeking, through successful revolution, to establish free institutions under circumstances similar to those that had attended the achievement of our own independence.

The celebrated dispatch, which is commonly called "the Hülsemann Letter," was not finished and sent to Mr. Hülsemann by Mr. Webster until the 21st of December. Its character and contents are too well known to need to be analyzed

here.[1] Its chief permanent importance consists in its statement of the principles, which have been uniformly acted upon by the United States, in regard to the recognition of *de facto* revolutionary governments; in its assertion of the conformity of those principles with the law of nations; and in its definition of the steps which may be proper for obtaining the information that will enable an independent neutral power to determine when and in what manner it will exercise its right to give such recognition, and to enter into relations with a new state. In richness of illustration, in vigor, in the terseness as well as the amplification of argument, this letter is one of the most finished among Mr. Webster's diplomatic papers. He bestowed much attention upon it, because he meant to do thoroughly what he had to do. The boldness of its vindication of American policy, and its intimations of the power and resources of the United States, rendered it of course extremely acceptable to the people of this country.

As the authorship of this remarkable paper has sometimes been imputed to another person, it may be proper to give the facts respecting its preparation, although they involve nothing more important than a question of literary interest.

Mr. Webster, as has been stated, arrived at Marshfield on the 9th of October, 1850, where he remained for the space of two weeks. He brought with him the papers relating to this controversy with Austria. Before he left Washington, he gave to Mr. Hunter, a gentleman then and still filling an important post in the Department of State, verbal instructions concerning some of the points which would require to be touched in an answer to Mr. Hülsemann's letter of September 30th, and requested Mr. Hunter to prepare a draft of such an answer. This was done, and Mr. Hunter's draft of an answer was forwarded to Mr. Webster at Marshfield. On the 20th of October, 1850, Mr. Webster, being far from well, addressed a note to Mr. Everett,[2] requesting him also to prepare a draft of a reply to Mr. Hülsemann, at the same time sending to Mr. Everett a copy of Mr. Hülsemann's letter and of President Taylor's mes-

[1] The correspondence is in Works, vi., 488–506.

[2] Mr. Everett had then resigned the Presidency of Harvard College.

sage to the Senate relating to Mr. Mann's mission to Hungary.[1] On the 21st Mr. Webster went to his farm in Franklin, New Hampshire, where he remained until the 4th of November. While there he received from Mr. Everett a draft of an answer to Mr. Hülsemann, which was written by Mr. Everett between the 21st and the 24th of October.

Soon after Mr. Webster's death, it was rumored that the real author of "the Hülsemann letter" was Mr. Hunter—a rumor for which Mr. Hunter himself was in no way responsible. At a later period, in the summer of 1853, the statement obtained currency in the newspapers that Mr. Everett wrote this celebrated dispatch, and many comments were made upon the supposed fact that Mr. Everett had claimed its authorship. The facts are, that, while at Franklin, Mr. Webster, with Mr. Hunter's and Mr. Everett's drafts both before him, went over the whole subject, making considerable changes in Mr. Everett's draft, striking out entire paragraphs with his pen, altering some phrases, and writing new paragraphs of his own, but adopting Mr. Everett's draft as the basis of the official paper; a purpose which he expressed to Mr. Everett on his return to Boston toward Washington. Subsequently, when he had arrived in Washington, Mr. Webster caused a third draft to be made, in the State Department, from Mr. Everett's paper and his own additions and alterations. On this third draft he made still other changes and additions, and, when the whole was completed to his own satisfaction, the official letter was drawn out by a clerk, was submitted to the President, and, being signed by Mr. Webster, was sent to Mr. Hülsemann.[2]

[1] Whether Mr. Hunter's draft was also sent to Mr. Everett, I do not know. The internal evidence would seem to indicate that it was; but the fact is not material.

[2] I have seen, I believe, all the documents in relation to this matter, viz., Mr. Hunter's draft, Mr. Everett's (in his handwriting, with Mr. Webster's erasures), the third draft, made at the department under Mr. Webster's directions, and the original added paragraphs, written by Mr. Webster with his own hand. To those who are curious about the question of *authorship*, it is needful only to say that Mr. Webster adopted Mr. Everett's draft as the basis of the official letter, but that the official letter is a much more vigorous, expanded, and complete production than Mr. Everett's draft. It is described in a note written by Mr. Everett to one of the literary executors, in 1853, as follows: "It can be stated truly that what Mr. Webster did himself to the letter was very considerable; and that he added one-half in bulk to the original draft; and that his additions were of the most significant character. It was very carefully elaborated in the department by him, till he was authorized to speak

There are, no doubt, passages and expressions in this letter which are in a tone not usual with Mr. Webster in his diplomatic papers. How he himself regarded the criticisms that might be made upon it may be seen from the following note:

[TO MR. TICKNOR.]

"WASHINGTON, *January* 16, 1851.

"MY DEAR SIR: If you say that my Hülsemann letter is boastful and rough, I shall own the soft impeachment. My excuse is twofold: 1. I thought it well enough to speak out, and tell the people of Europe who and what we are, and awaken them to a just sense of the unparalleled growth of this country. 2. I wished to write a paper which should touch the national pride, and make a man feel *sheepish* and look *silly* who should speak of disunion. It is curious enough, but it is certain, that Mr. Mann's private instructions were seen, somehow, by Schwarzenberg.

"Yours always truly,

"DANIEL WEBSTER."

Another complicated subject of diplomatic intercourse, which came into the hands of Mr. Webster when he succeeded Mr. Clayton in the Department of State, involved a claim by Great Britain to interfere with the relations of the states of Central America. Almost from the first colonization of that part of the continent, projects had been set on foot by Europeans for connecting the Atlantic and Pacific Oceans by a ship-canal across the peninsula known as Central America; but none of them had taken effect. In August, 1849, certain American capitalists, organized under the name of "The American, Atlantic, and Pacific Ship-Canal Company," obtained a charter from the Government of *Nicaragua*, granting to them a right to construct a canal across the territory of that republic, with certain important privileges and immunities. The citizens, produce, and merchandise, of all nations were to

of it as he did at the Kossuth dinner. . . ."

This refers to what Mr. Webster said in his speech at the Kossuth banquet, in Washington, January 7, 1852:

"May I be so egotistical as to say that I have nothing new to say on the subject of Hungary? Gentlemen, in the autumn of the year before last, out of health, and retired to my paternal home among the mountains of New Hampshire, I was, by reason of my physical condition, confined to my house; but I was among the mountains, whose native air I was bound to inspire. Nothing saluted my senses, nothing saluted my mind, or my sentiments, but freedom, full and entire; and there, gentlemen, near the graves of my ancestors, I wrote a letter, which most of you have seen, addressed to the Austrian *chargé d'affaires*. I can say nothing of the ability displayed in that letter, but, as to its principles, while the sun and moon endure, I stand by them."

be allowed to pass through the canal, subject to no other burdens or charges than such as might be imposed on those of the United States, provided such other nations should enter into the same treaty stipulations as were to be agreed upon between the United States and the State of Nicaragua.

Soon after this charter was obtained, the American *chargé d'affaires*, by instruction of his Government, concluded a treaty of commerce and friendship with Nicaragua, one article of which provided for the defence and protection of this canal company, in constructing and operating the great work which they had in view. The United States, by this treaty, recognized the sovereignty and property of Nicaragua over the line of the proposed canal, and guaranteed its neutrality under the control of her citizens; and it was also agreed that no similar privileges and immunities should be accorded to other nations, unless they entered into similar stipulations for defence, and similar guarantees.

But Great Britain had for a long time claimed a kind of "protectorate" over what was called the "Mosquito Shore," and its native tribes of Indians; and it was also claimed that the port of San Juan del Norte (or Greytown), which formed the eastern terminus of the proposed canal, fell within this "protectorate." This was denied by the Government of Nicaragua; but her authorities had been expelled by the British in 1848; and had not regained the place when the treaty was made between the United States and the State of Nicaragua. A strong opposition was made by the British minister at Washington, Sir Henry Bulwer, to the ratification of the treaty; and, to obviate the difficulties arising out of this claim of Great Britain, the Government of the United States, before the death of President Taylor, on the 19th of April, 1850, signed a convention with Great Britain, known as the "Clayton-Bulwer Treaty," by which it was mutually agreed that neither party should obtain any exclusive control or privileges, or erect any fortifications along the proposed route of the canal, "or occupy or colonize, or assume or exercise dominion over, Nicaragua, Costa Rica, the Mosquito Shore, or any part of Central America," or use any means to secure any exclusive privileges there. Both nations agreed to protect the persons

who might be engaged in constructing an interoceanic canal across the peninsula, and to guarantee the neutrality of the line, so long as no unfair discriminations were made, or unreasonable tolls exacted. They promised to enter into treaties to promote the work, and to interpose to settle any disputes which might arise. Their support was to be given to the company which should first show its intention and ability to carry out the enterprise with the consent of the local authorities, and one year was to be allowed the present American Company to give evidence of its ability to construct the canal.

This treaty with Great Britain was ratified on the part of the United States, with the understanding that it put an end to the pretensions of Great Britain with regard to her protectorate over the Mosquito Shore, including the port of San Juan del Norte. Such a construction of the treaty was disputed by Sir Henry Bulwer, who declared that the convention was not designed to affect the position of Great Britain, excepting that she had agreed not to use her authority to obstruct the canal. The controversy about the effect and construction of the treaty was pending when Mr. Webster became Secretary of State, and it involved, of course, the question whether the United States could or would consent to the assertion, by any European power, of any further right of dominion or colonization upon the continent of North America beyond that which was embraced in some territory long before the property of such European power. The subject became still further complicated, while Mr. Webster was in office, by a quarrel between Nicaragua and Costa Rica about their boundaries, both of them claiming a part of the territory to be traversed by the proposed canal, and also by the different and conflicting objects with which the representatives of these two states at Washington acted in the negotiations between Mr. Webster and Sir Henry Bulwer. The official correspondence, conducted with a view of arriving at some mode of terminating this dispute, is on the files of the State Department, and has never been made public, and therefore no accurate account of its contents or results can be given here. It is apparent, however, from the private correspondence be-

tween Mr. Webster and the British minister, that, throughout the whole of these negotiations, Sir Henry Bulwer relied entirely upon the wisdom and fairness of Mr. Webster; and that he took no important step, unless by special instruction of his Government, without first ascertaining that it would meet with Mr. Webster's concurrence. He appears to have had an implicit confidence that, in endeavoring to effect an arrangement with small states, whose conflicting interests and somewhat troublesome contentions were mixed up with a grave controversy between two powerful nations, Mr. Webster's judgment of what would be right and expedient was the judgment of a great, wise, and considerate statesman, with whom he felt bound to concur, if possible, and whose views he was always ready to recommend to the favorable consideration of his own Government. When, therefore, this able diplomatist, after the lapse of many years, expressed to me the opinions of Mr. Webster, already quoted,[1] it was easy to see how these opinions had been formed in the transactions of business, referred to in the private correspondence that now lies before me, which shows the confidential intercourse between Mr. Webster and this representative of England. The sentiments felt by Sir H. Bulwer were the same with which Mr. Webster inspired Lord Ashburton, as they were, in truth, those which most foreign representatives who came in contact with Mr. Webster appear to have felt.

The great object of Sir Henry Bulwer in these informal negotiations appears to have been to devise some mode in which a suitable master could be found for Greytown, so as to put an end to the British "protectorate" in a manner that would meet Mr. Webster's concurrence; and he seems to have relied throughout upon Mr. Webster to bring about the consent of the states of Central America to some project having this end in view.

But, soon after this period, Sir Henry Bulwer went to England on a visit, leaving Mr. Crampton as *chargé d'affaires*. The negotiations in regard to Central America being in suspense, there occurred in the autumn an extraordinary illustration of the consequences likely to ensue from the "protectorate"

[1] See *ante*, p. 125.

claimed by Great Britain over the Mosquito Shore. This occurrence was the case of the Prometheus, a steamship belonging to the American Atlantic and Pacific Ship-canal Company, employed in transporting workmen, tools, etc., for the construction of the canal, as well as passengers, to Greytown. In November, 1851, when about to leave the harbor of that city, the commander of the vessel was served with a process of attachment under the authority of the "Mosquito King," for one hundred and twenty-three dollars, port-charges alleged to be due. The exaction of these charges was regarded as illegal, and the officer refused to pay them. On setting sail from the harbor, the vessel was followed and fired into by a British brig-of-war, the Express, under orders of Mr. Greene, British vice-consul at Greytown, and pretended regent of the Mosquito Shore. The Prometheus was brought-to, and paid the charges under protest, and the facts were communicated to the Secretary of State by the counsel of the Ship-canal Company.

Mr. Webster immediately (December 3d) wrote to Mr. Lawrence, the American minister at London, detailing the facts of the case, directing him to communicate them to Lord Palmerston, and to inquire whether the captain of the Express had acted pursuant to orders from his Government, and whether his course was approved. If the answer to these inquiries was in the affirmative, he said, "the President would consider the proceeding as a violation of the treaty of the 19th of April, 1850, by which Great Britain has stipulated that she would not make use of any protection which she might afford Nicaragua, the Mosquito Coast, or any part of Central America, for the purpose of assuming dominion over the same." He furthermore said: "This Government cannot consent to the collection of port-charges at San Juan, by British ships-of-war, or that their collection should be enforced by them."

The matter was communicated to Lord Palmerston, but, before a reply was received, a change of administration occurred, and Earl Granville succeeded to the foreign office. As soon as official information regarding this affair reached the British Government from Greytown, viz., in January, 1852, the act of the captain of the Express was promptly disavowed, and an ample apology tendered.[1]

[1] See *post*, Chapter xxxviii.

There was also during this period a controversy with Mexico, in relation to a right of way across the Isthmus of Tehuantepec. In 1842, the Mexican Government had granted to José de Garay, a citizen of Mexico, the right to construct a railway across that isthmus. In 1846, General Salas, at that time at the head of a provisional and *de facto* government of Mexico, confirmed to Garay, or any one who might become his assignee, the rights and privileges granted in his original charter. When the Treaty of Guadalupe-Hidalgo was negotiated between Mexico and the United States, Mexico refused to sell a right of way to the United States across the isthmus, expressly upon the ground that it had been already granted to a Mexican citizen, and was at that time held by certain subjects of Great Britain, who had become his assignees. In 1849, this franchise passed into the hands of certain American citizens, and a company was formed at New Orleans, represented by Peter A. Hargous, for the purpose of constructing the railway. These parties became suspicious that the Mexican Government might annul the contract, and desired to be secured in their rights by treaty stipulations between the two countries.

Mr. Clayton, the predecessor of Mr. Webster in the State Department, sent to Mr. Letcher, the minister of the United States in Mexico, a draft of a convention, intended to protect the railway company in the rights which they held under the Garay grant, and it was signed, with some modifications, on the 2d of June, 1850. After Mr. Webster succeeded to the Department of State, Hargous and his associates, thinking that this convention did not sufficiently protect their interests, requested Mr. Webster to cause its provisions to be made more explicit. Mr. Webster thereupon sent a new draft of a convention to Mr. Letcher, founded on that which had been already signed, but making more prominent the idea that *citizens of the United States* were to be encouraged in carrying out this work, and that the interests originally involved were to be protected. Stronger guarantees were also to be provided for the protection of the parties to be employed in the construction of the railway. The Mexican Minister of Foreign Relations had strong objections to these amendments, as extending too much the authority of the United States over the proposed work and the

parties engaged in its construction. Finding these objections likely to prove fatal to the treaty, our Government withdrew the most important of the amendments, and the new treaty was signed on the 25th of January, 1851.

This convention met with great opposition in Mexico, especially on the part of the new Administration, which came into office just before it was concluded. M. de la Rosa, the new Minister of State, in a letter to Mr. Webster, declared that there was no connection between this treaty and the franchise claimed by the assignees of the Garay charter. To this Mr. Webster replied on the 30th of April, 1851, expressing his surprise at this view of the matter, as the object had been all along the security and protection of these parties in the exercise of the rights acquired under that charter. He gave an account of the various proceedings in this matter, and urged at length his own view of the construction of the treaty and of its expediency. In the mean time the Tehuantepec Railroad Company had sent engineers and workmen to commence operations on the isthmus. No facility for prosecuting their work was afforded by the Mexican authorities, and finally they were ordered to suspend operations and quit the place. Several American citizens, a part of whom were in the employ of the company, were arrested in attempting to cross the isthmus.

The opposition to the treaty apparently grew stronger, and the decree of the 5th November, 1846, renewing the grant to Garay, was annulled by the Mexican Congress. The treaty was finally rejected by the Mexican Congress on the 7th of April, 1852. Protests were made against the action of the Mexican authorities in expelling the employés of the company, seizing certain barges, confiscating property, etc., which proceedings were afterward made the subject of a claim on the Mexican Government for upward of five million dollars.

Luis de la Rosa, envoy extraordinary and minister plenipotentiary of Mexico at Washington, wrote to Mr. Webster on the 7th of March, 1851, "to make various statements" and give "sundry explanations" regarding the position of his Government. He said that the treaty had met with great opposition in Mexico, and it had not been thought expedient to submit it to the Congress as yet. The treaty for facilitating in-

teroceanic communication, and the grants to Garay, were two entirely different and independent subjects. The Government held that Garay's rights were extinct, and it did not intend to recognize them as subsisting. The first article of the treaty itself admitted that Garay's right might be submitted to judicial decision in Mexico. All persons settling or working on the isthmus would be regarded as trespassers.

Mr. Webster replied on the 30th of April, 1851. In order to place the matter in the clearest light, he gave an account of the attempts to establish this line of interoceanic communication; of the grant to Garay, and the negotiations connected with it. The purchase of the right by the treaty of Guadalupe-Hidalgo had not been insisted upon, simply for the reason that the Mexican Government had held that it had granted it to Garay, and that it was then in the hands of certain citizens of Great Britain. The very object of the present treaty was "to secure rights derived from Mexico by a public act amounting to a pledge which she cannot but fulfil." It had become more and more important to the United States that this pledge should be observed. The language of the decree was, "Pledging the honor and public faith of the nation to maintain the projector, Don José de Garay, as well as any private individual or company succeeding or representing him, either natives or foreigners, in the undisturbed enjoyment of all the concessions granted." The assignment of the grant was made on the faith of this pledge, and the object of the present treaty was, to induce the holder of the franchise to go on with the undertaking. The relations of this person to the subject were expressly recognized in the first convention of June 2, 1850. The first article stipulated that the person to whom the Government of Mexico "may have granted or may grant" these privileges "shall be protected." The eleventh article says: "If the holder of the privilege should refuse to enter into a satisfactory agreement" as to rates, etc., the guarantee shall be withdrawn. Article twelfth says: "The *actual holder* shall give his assent in writing to this treaty," etc.

The second draft of the treaty was still more clear and precise, and was intended for an absolute assurance of protection to those engaged in the enterprise. M. de la Rosa had stated that

there was no guarantee to the present holders of the grant intended, and that the first article expressly admitted that Garay's contract might be set aside by judicial authority. But there was, in fact, not one word on the subject in the first article. Any such admission would have defeated the whole object of the treaty. The treaty itself stipulated for the only method of settling disputes, viz., by arbiters. The United States Government could not listen to any such construction as was put upon the treaty by M. de la Rosa. Comment and explanation were now premature. The Executive Government of the United States had no authority to vary the meaning of the treaty, or to attach to its ratification any condition or qualification. Work had been begun at the isthmus on the strength of the pledges of the Mexican Government given in the grant to Garay, and of subsequent decrees.

On the 3d of July, M. de la Rosa communicated to Mr. Webster information of the passage of a decree, May 22d, annulling the decree of General Salas, of November, 1846, and of the orders suspending the work, and endeavored to justify the course of his Government. Mr. Webster replied on the 25th of August. He did not question the right of Mexico to pass any law allowed by her Constitution, but he regarded the grant to Garay and the subsequent decrees as constituting a charter, a contract which could not be revoked without giving the grantees a hearing. As to the authority of Salas, supreme power had been conferred upon him for the purpose of securing a more vigorous prosecution of the war, but after he had received his unlimited authority he was the *de facto* government, and was recognized as such by other nations as well as the United States. It was not necessary to inquire into the origin of his authority; it was legislative as well as executive, and had been acquiesced in as such, and the validity of this very decree was admitted in 1847.

One motive suggested by M. de la Rosa, for the course of his Government, was not respectful to the United States, nor compatible with existing treaties. This was the apprehension that Tehuantepec would be severed from Mexico like Texas, if citizens of the United States were allowed the privileges of this grant. This made discriminations unfavorable to the citizens

of the United States, and cast imputations upon the good faith of the Government. With regard to the authority of General Salas, the following are Mr. Webster's words:

"It may have been as Mr. de la Rosa says, that the elevation of General Salas to the supreme power in Mexico was mainly for the purpose of insuring a more vigorous prosecution of the war with the United States. When, however, he became possessed of that authority, it constituted a government *de facto*, submitted to by Mexico, and recognized, it is believed, by other governments as well as by that of the United States. Consequently, it is not necessary for the undersigned to inquire into the origin, nature, or limits of that authority. It is notorious, however, that General Salas was a military dictator. As such, on the 4th of August, 1846, he subverted the government of Paredes, who himself had acquired supreme power by similar means. But, although his authority was necessarily arbitrary and unlimited, he asserted, and the undersigned is not aware that this has been denied, that his conduct in assuming and exercising it was sanctioned by a large majority of the Mexican people. It is certain that the Government of that country, as it now exists, was called into being by his mandate. It is equally notorious that his acts were by no means exclusively of an executive character, and that, when he exercised legislative power, his right to do so was not objected to, or even the expediency of his decree of the 5th of November, 1846, publicly questioned, until it must have been known at Mexico that citizens of the United States had become assignees of the privileges granted by it."

The letter closes with the hope that Mexico will change her course, which was likely to "produce a serious impression on the minds of men respecting her good faith, and the permanency and respectability of her institutions."

As soon as Mr. Webster had entered upon the duties of the State Department, it became necessary to meet a difficulty that had been caused by the mode in which the Administration of General Taylor had dealt with the subject of the boundary between Texas and New Mexico. In November, 1849, the Secretary of War, under direction of President Taylor, instructed the military authorities of the United States in New Mexico to aid the inhabitants of the region east of the Rio Grande in the formation of a State government. Steps were taken for this purpose, and, in the course of a few months, a State constitution was formed. The region, however, was claimed by Texas; and, in February, 1850, a commissioner of Texas was sent there to extend the jurisdiction of the State

over the territory which had been embraced by this constitution of New Mexico. The Texan commissioner encountered the adverse action of the inhabitants and of the United States military authorities. This attitude of affairs was one of the causes which led Mr. Webster to regard the policy of President Taylor, in regard to the disputed boundary of Texas, as a dangerous one. It was not competent to the Executive of the United States to initiate or authorize measures for the establishment of a State constitution in New Mexico, nor was it settled what were the limits of New Mexico. In June, 1850, the Governor of Texas applied by letter to President Taylor, asking to be informed whether these proceedings had been taken under his orders, and met with his approval. This inquiry had not been answered when Mr. Fillmore succeeded to the presidency, and he directed Mr. Webster to answer it.

In that answer—prepared, it must be remembered, while the "Compromise Measures" were still pending in Congress, including the settlement of the Texan boundary—it was necessary for Mr. Webster to disavow, on the part of the Executive, any purpose to interfere with the boundary question; to make it plain that this question and the formation of a government for New Mexico were matters belonging to Congress; and to leave the whole subject in such a position that the rights of the inhabitants of New Mexico, under the treaty of cession, and the claims of Texas, could be preserved without collisions until Congress could act upon the subject. This dispatch defines with great precision the nature of the government existing in New Mexico, after the conquest and the cession of the country, and the relations of the Executive and of Congress to such acquisitions.[1]

The relations of the United States with Spain became at this time exceedingly delicate and embarrassing, in consequence of events growing out of the efforts of Narciso Lopez to wrest the island of Cuba from the Spanish crown. This person, a South American by birth, had been for many years a citizen of Cuba. In 1848, he organized a general insurrection in the island, which, however, was suppressed by the Spanish authorities, and Lopez was condemned to death

[1] See Works, vi., 479, letter of August 5, 1850, to the Governor of Texas.

But he escaped to this country, where he arranged successively three several expeditions against Cuba, in which he succeeded in enlisting some American citizens. The first of these enterprises, organized in 1849, was defeated by the vigilance of our Government, and did not set sail for its destination. In the second attempt, in May, 1850, he was successful in getting out of New Orleans, at the head of about five hundred men of various nationalities, with whom he landed at Cardenas, on the 17th of May, taking possession of the town.[1] But no general uprising of the population followed; Lopez and his party were driven from the island by the Government troops, and he himself escaped to Savannah, where he was arrested by the United States authorities; but he was finally discharged, for want of sufficient evidence that he had violated our neutrality laws. In 1851, after Mr. Fillmore had become President, and Mr. Webster Secretary of State, Lopez, still remaining in our Southern States, succeeded in drawing into a third expedition many American citizens, by representing the Cubans as eager for a revolution, and ready to rise. These enlistments, made in the spring and summer of 1851, were of course secret; but they were closely watched by the Federal authorities at Savannah, which was their first place of rendezvous, and Mr. Webster was kept informed of their movements. On the 29th of April, writing to Mr. Blatchford, he said: "The point of rendezvous for the Cuban patriots is now said to be Savannah. Men and arms are collecting there. They must be quick. If they are not out of the river in twenty-four hours from this time, they will not get out at all. If they should get out, they will be followed."

Failing in his attempt to embark from Savannah, Lopez transferred his rendezvous to New Orleans, where there happened to be a collector who was much less vigilant in his duties than the authorities of the United States in some of the other Southern ports. In July, Mr. Webster was absent at Marshfield,[2] and writing thence to the President, on the 20th, he observed: "I see the Cuban news. If there is to be a revolution

[1] President Taylor dispatched a vessel-of-war to overtake this expedition, but the chase was unsuccessful. See the discussion in the Senate, *ante*, p. 441, *et seq.*, on the duties of neutrality.

[2] Mr. Derrick, of the State Department, was left as the Acting-Secretary of State.

in that island, I am glad our hands are free from stain. If the rebels make any progress, there will be serious work, as I suppose that both France and England are under a pledge to guarantee the island to Spain. Our South will be all Cuban." In the early part of August, Lopez and his followers escaped from New Orleans in a steamer, and, on the 12th, landed on the coast of Cuba, near Bahia Honda. One detachment of the invaders, consisting of about two hundred men, under Colonel Crittenden, was left near Havana; another and larger force, under Lopez himself, proceeded to Los Pozos. Several engagements took place, and both detachments were broken up. Lopez and many of his followers were captured. Colonel Crittenden and fifty men, who were taken with him, were shot by the Spanish authorities, and Lopez was garroted on the 1st of September.

President Fillmore was absent from Washington at this time; but he returned immediately, investigated the conduct of the Collector of New Orleans, and promptly removed him from office. On the 2d of September he wrote to Mr. Webster, who remained in New Hampshire:

[THE PRESIDENT TO MR. WEBSTER.]

"WASHINGTON, *September* 2, 1851, Tuesday Evening.

"MY DEAR SIR: I returned somewhat prematurely, and in much haste, on Saturday evening, and have been very busy with Cuban matters ever since.

"I was not satisfied with the excuse made by the Collector at New Orleans for suffering the steamer Pampero to sail for Cuba without any effort to stop her, and I have removed him, and appointed Mr. Adams in his place.

"I have issued new powers either to the collectors or marshals, under the eighth section of the Act of 1818, at Newport, New York, Philadelphia, Baltimore, Charleston, Savannah, St. Augustine, Key West, Mobile, New Orleans, and Galveston; and a new circular, enjoining vigilance upon the district attorneys at those places, and requesting all the collectors, district attorneys, and marshals, at these places, who may be absent from home, to return *forthwith*, and attend vigilantly to prevent any expedition from being fitted out, against the provisions of that act. The army and navy have also been called into requisition at any place where we have troops or vessels, to aid in arresting any such expedition.

"In times like this, the telegraph, in the hands of irresponsible and de-

signing men, is a tremendous engine for mischief, aided as it is in many places by a mercenary and prostituted press. Agitation and excitement seem to pervade all the large cities, and this is greatly aggravated by unscrupulous partisans who desire to turn it to political account against the Administration. I think the summary execution of the fifty prisoners taken in Cuba was unfortunate. This wholesale slaughter of officers and men in so summary a manner naturally excited the sympathy and indignation of the community. But I still hope to prevent any further violation of our neutrality laws, and to save our young men from a similar fate.

"Lopez seems still at large, but making no headway. Reports are so contradictory, we know not what to believe. He cannot remain in *statu quo*. He must advance or fail.

"I have yours of the 19th and 23d, and saw the one of a later date to the Postmaster-General, and I have hardly words to express the gratification I feel that you have thus far escaped your annual catarrh, with a prospect of avoiding it entirely. Do make yourself perfectly easy, and enjoy the quiet of your resting-place. Your presence at the council-board would be very acceptable, especially just now, but it is not indispensable, and I hope you will feel no anxiety on the subject. . . .

"I write in great haste, but am, my dear sir,

"Truly and sincerely yours,

"Millard Fillmore.

[Mr. Webster to the President.]

"Franklin, *September* 8, 1851.

"My dear Sir: I was delighted to receive your letter of the 2d, and to find you are at home, safe and well. I saw you had your hands full of Cuban matters. I think your course entirely right.

"What patriots and hot-headed men will next undertake, respecting Cuba, remains to be seen. We must expect that every possible effort will be made to embroil us with Spain."

These occurrences drew upon the Government of the United States very grave embarrassments. At the time the Lopez expedition was supposed to be about to sail, application by Spain and France was made to Lord Palmerston, to send a British fleet to act jointly with the French fleet for the defence of Cuba against such attacks. Lord Palmerston answered that he believed the trouble would blow over; and no English fleet was then sent. But, when news of the actual sailing of Lopez was received in London, orders were issued for British cruisers to proceed to the coast of Cuba, to coöperate with the French in protecting the island; and Mr. Crampton was instructed to

explain to the Government of the United States that this was done in the most friendly spirit. How this step was viewed by President Fillmore and Mr. Webster, appears from the following private correspondence, Mr. Webster being then at Marshfield:

[THE PRESIDENT TO MR. WEBSTER.]

"WASHINGTON, *October* 2, 1851.

". . . . Mr. Rives writes that a treaty has been entered into between France, Spain, and Great Britain, to guarantee Cuba to Spain; but does not send it, or its contents or date. The English *chargé* gives us notice that England has ordered her vessels to protect Cuba against the unlawful invasion from this country, but says he knows of no treaty. Mr. Rives has been written to for further information. It appears to me that such a step on the part of Great Britain is ill-advised; and, if the attempts upon Cuba shall be resumed (which I trust they will not be), any attempt to prevent such expeditions by British cruisers must necessarily involve a right of search into our whole mercantile marine in those seas, to ascertain who ought to be arrested, and who ought to pass, and this would be extremely annoying, and well calculated to disturb the friendly relations now existing between the two Governments.

"But I have been interrupted, and the mail is closing, and I have not time to say much. When may we hope to have the pleasure of seeing you in Washington? Though your presence at all times would be very acceptable, yet give yourself no uneasiness. Remain quiet until you feel able to come. In hopes that your health may be speedily restored,

"I remain sincerely yours,

"MILLARD FILLMORE."

[MR. WEBSTER TO THE PRESIDENT.]

"MARSHFIELD, *October* 4, 1851.

". . . . The information communicated by Mr. Rives, if true, may become important; but we must wait, to learn its particulars. I doubt exceedingly whether the English Government would do so rash a thing as to interfere with American vessels, on the seas, under pretence of their containing Cuban invaders. This could never be submitted to. I do not think that any further attempt is likely to be made at present, by these lawless people, as I do not see where they can now raise the funds, and therefore I hope we may have no more trouble. If an official communication be made to us of such a treaty as Mr. Rives supposes may have been entered into, it will deserve close consideration. We must look to our own antecedents. In General Jackson's time, it was intimated to Spain, by our Government, that if she would not cede Cuba to any European power, we would assist her in maintaining possession of it. A lively fear existed, at

that time, that England had designs upon the island. The same intimation was given to Spain, through Mr. Irving, when I was formerly in the Department of State. Mr. J. Quincy Adams often said that, if necessary, we ought to make war with England sooner than to acquiesce in her acquisition of Cuba. It is indeed obvious enough what danger there would be to us, if a great naval power were to possess this key to the Gulf of Mexico and the Caribbean Sea. Before receiving your letter, I had made up my mind that, if this matter of the treaty between England and France should be announced to us, and should seem to require immediate attention, I would hasten to Washington. . . .

"I pray you, my dear sir, to command me, if there be any thing which I can do, and call me back to Washington whenever you see a necessity for so doing. Marshfield is very pleasant, and its air, I think, useful, but I am ready to quit whenever duty requires.

"Yours truly,

"Dan'l Webster."

[The President to Mr. Webster.]

"Washington, *October* 10, 1851.

". . . . Since I wrote you before, I learn that the French minister has intimated, rather reluctantly, that his Government has issued similar orders to its fleet in the West Indies to those issued by Great Britain in reference to Cuba. A dispatch from Mr. Rives states a conversation with the Secretary of Foreign Affairs, in which he denied all intention of interference by the French Government.

"This presents a singular state of things, and looks as though there was a little *finessing* between Great Britain and France to court favor with Spain, and if possible not offend us, or at least it looks as though France intended this.

"I am truly yours,

"Millard Fillmore."

[Mr. Webster to the President.]

"Boston, *October* 12, 1851.

". . . . I entirely concur in the result to which the Cabinet has come, to wit, that there is no sufficient information, at present, on the subject in regard to England and France and the Cuban business.

"I cannot bring myself to believe that these governments, or either of them, dare to search an American merchantman on the high-seas, to ascertain whether individuals may be on board, bound to Cuba, and with hostile purposes.

"The only case to justify a seizure and detention would be that of an armed vessel fitted out obviously and flagrantly for warlike purposes, found sailing on the high-seas without a commission from any acknowledged government. Such a vessel might be regarded as a pirate, being

*hostis humani generis*, and might be destroyed by the ship-of-war of any government. But then it must be certain that the vessel was destined to act piratically.

"I have written to Mr. Rives to send us an account of the French laws, respecting enlistments in France for foreign military service, and the prevention of expeditions set on foot in France against states or governments with which France is at peace.

"Yours always truly,

"DAN'L WEBSTER."

The unhappy men who were executed by the Spanish authorities in Cuba left letters of farewell to their friends in the United States, in the hands of the Captain-General, who sent them to New Orleans, by the secretary of the Spanish consul at that place. This person arrived at New Orleans on the 21st of August, by the steamer which brought accounts of the executions. As the letters were not immediately deposited in the post-office, a rumor spread through the city that the Spanish consul had detained them. A mob thereupon attacked the houses of Spanish residents, broke into the office of the Spanish consul, defaced the portraits of the Queen of Spain and the Captain-General of Cuba, and tore in pieces the Spanish flag.

When Mr. Webster arrived in Washington, from his visit to the North, it had become necessary for him to reply to a very serious application for redress of these outrages, presented by Don A. Calderon de la Barca, the Spanish minister, on the 14th of October. Mr. Calderon was naturally impatient at the delay that had occurred, in consequence of Mr. Webster's absence from Washington. The first draft of an answer to Mr. Calderon's dispatch was shown to him informally at the State Department on the 4th of November. He was not satisfied with it, because it did not propose any "act of honor to the national flag of Spain, of equal publicity with the contempt which had been put upon it." But it was the good fortune of all representatives of foreign governments who approached Mr. Webster, and who enjoyed his personal confidence and respect, that they could present to him any consideration or proposal which touched their national honor, with entire certainty that what they desired would be received and answered with exact justice. The excellent man, who was at this time the representa-

tive of Spain in the United States, was greatly concerned lest the answer to his application for redress should not cover the point on which he was convinced the future relations of the United States and Spain must necessarily turn. He was, in fact, under positive instructions from his Government to terminate his mission, if satisfaction could not be obtained on the point in question. He therefore addressed a very urgent private letter to Mr. Webster, in which he asked that the United States should make to the Spanish citizens and to the Spanish consul a pecuniary indemnity for the personal losses and injuries which they had suffered at the hands of the rioters in New Orleans, and that the national flag of Spain should be publicly honored in one of two modes. On this point he said:

"It is no extraordinary demonstration which is asked; no act which the narrowest mind could torture into an act of self-abasement. It is simply an act of honor to the flag of Spain, of equal publicity with the contempt which has been put upon it. The most usual and obvious mode would be, the restoration of the flag to the consulate, with appropriate honors (that is to say, *salute*), a consul *ad interim* being named by me, or, if it be preferred, either Mr. Laborde or another might be brought to New Orleans in a public ship of Spain, and a customary salute given to the flag. If any of these modes be adopted for publicly restoring Spain to the position of an honored ally of the United States, and disclaiming the indignity which has been put upon her, under circumstances which have attracted the attention of the world, the object we both desire will be accomplished; but without this, I can only repeat that, if I were capable of continuing the diplomatic intercourse between the two nations, it is definitively placed beyond my power to do so."

Mr. Webster was by no means indisposed to take any appropriate steps which should signify to the Spanish nation and the world the sense which the Government of the United States entertained of this outrage. But it was necessary for him to guard with some care the application of the rules of public law to this case. He therefore pointed out, in his official answer, which was communicated to Mr. Calderon on the 13th of November, a distinction which that minister had overlooked. In regard to the claims of Spanish citizens who were not official persons, he informed Mr. Calderon that such resident foreigners were under the protection of our laws in their persons and property, upon the same footing with citizens of

the United States, and with the same right to resort to the judicial tribunals for redress of personal injuries; and that he did not consider it incumbent on the Government of the United States to provide for their special indemnification.[1] But the case of the consul he regarded as quite different, because he was an official person residing under the special protection of the United States; and, although the case was without a precedent, Mr. Webster at once advised the President to make one, and informed Mr. Calderon that a recommendation would be made to Congress to indemnify the consul for his personal losses. In regard to the insult to the Spanish flag, Mr. Webster said:

"Mr. Calderon thinks that the enormity of this act of popular violence is heightened by its insult to the flag of Spain. The Government of the United States would earnestly deprecate any indignity offered in this country, in time of peace, to the flag of a nation so ancient, so respectable, so renowned, as Spain. No wonder that Mr. Calderon should be proud, and that all patriotic Spaniards of this generation should be proud, of that Castilian ensign, which, in times past, has been regarded so high, and waved so often over fields of acknowledged and distinguished valor; and which has floated also, without stain, on all seas, and especially, in early days, on those seas which wash the shores of all the Indies. Mr. Calderon may be assured that the Government of the United States does not and cannot desire to witness the desecration or degradation of the national banner of his country.

"It appears, however, that in point of fact no flag was actually flying, or publicly exhibited, when the outrage took place; but this can make no difference in regard to the real nature of the offence, or its enormity. The persons composing the mob knew that they were offering insult and injury to an officer of her Catholic Majesty, residing in the United States under the sanction of laws and treaties, and therefore their conduct admits of *no* justification. Nevertheless, Mr. Calderon and his Government are aware that recent intelligence had then been received from Havana, not a little calculated to excite popular feeling in a great city, and to lead to popular excesses. If this be no justification, as it certainly is none, it may still be taken into view and regarded as showing that the outrage, however flagrant, was committed in the heat of blood, and not in pursuance of any premeditated plan or purpose of injury or insult. The people of

[1] Some of the subordinate officers at the State Department had, in Mr. Webster's absence, given Mr. Calderon to understand that reparation of these losses sustained by private Spanish subjects would be made by the United States. Mr. Webster expressed his regret at this misapprehension, but he distinctly overruled the principle on which Mr. Calderon had been verbally informed that our Government would act.

the United States are accustomed, in all cases of alleged crime, to slow and cautious investigation and deliberate trial before sentence of condemnation is passed, however apparent, or however enormous the imputed offence may be. No wonder, therefore, that the information of the execution, so soon after their arrest, of the persons above referred to, most of whom were known in New Orleans, and who were taken, not in Cuba, but at sea, endeavoring to escape from the island, should have produced a belief, however erroneous, that they had been executed without any trial whatever, and caused an excitement in the city, the outbreak of which the public authorities were unable for the moment to prevent or control."

In regard to the ceremony of honor which Mr. Calderon had requested, the dispatch closed as follows:

"In conclusion, the undersigned has to say, that if Mr. Laborde shall return to his post, or any other consul for New Orleans shall be appointed by her Catholic Majesty's Government, the officers of this Government resident in that city will be instructed to receive and treat him with courtesy, and with a national salute to the flag of his ship, if he shall arrive in a Spanish vessel, as a demonstration of respect, such as may signify to him, and to his Government, the sense entertained by the Government of the United States of the gross injustice done to his predecessor by a lawless mob, as well as the indignity and insult offered by it to a foreign state with which the United States are, and wish ever to remain, on terms of the most respectful and pacific intercourse." [1]

How necessary it was for our Government to proceed in this delicate matter with the greatest circumspection, is apparent from the fact that, at the time of this correspondence, a hundred and sixty-two of the persons captured in Cuba, as having constituted a part of Lopez's forces, had already been carried to Spain, where it was understood they were to be sent to the mines. Most, if not all, of them were American citizens, young men who had been deluded by the representations of Lopez, concerning the political condition of Cuba, and the wishes of its inhabitants. Mr. Webster did not claim that these men could legally demand the protection of their own Government; but he thought proper to interpose in their be-

[1] When this dispatch was read in Europe, it drew from Lord Palmerston the following observations, in a dispatch sent by him December 9, 1851, to Mr. Crampton, the British *chargé d'affaires* at Washington:

"The note which Mr. Webster addressed to Mr. Calderon de la Barca, upon the subject of that difference, is highly creditable to the good faith and sense of justice of the United States Government, and the President has more rightly consulted the true dignity of the country, by so handsome a communication, than if the acknowledgment of wrong and the expression of regret had been made in more niggardly terms."

half with the Spanish Government, mainly upon the ground that the terrible example inflicted by the execution of fifty of their comrades in Cuba was enough. This he did, in a very earnest manner, by a dispatch to the American minister in Spain.[1] But there was one among these persons whose case required a special treatment. This was Mr. John S. Thrasher, who, although an American citizen by birth, had been long resident in Havana, and who was said to have been naturalized there, and to have sworn allegiance to the Spanish crown. He had been tried for high-treason or conspiracy, had been convicted, and sentenced to eight years' confinement at hard labor, and had been sent to Spain in execution of the sentence. A good deal of obscurity attended his case, since he had himself made no communication to our Government, in regard to the important point of his supposed allegiance as a Spanish subject. It was claimed, however, by his friends that, on his trial, he had been deprived of privileges secured to citizens of the United States by the seventh article of our treaty with Spain, of 1795. In dealing with his case, both in a dispatch to the American minister in Spain, and in a special report to the President, Mr. Webster made an exhaustive statement of the rules of public law which regulate a change of domicile, which define the degree of allegiance due from foreigners residing in a country permanently or temporarily, and which warrant a claim to the protection of treaties when the native character has not been renounced or lost.[2]

In January, 1852, Mr. Calderon had the satisfaction of informing Mr. Webster that these prisoners had been released.

On the suppression of the Hungarian Revolution in 1848, Louis Kossuth and many of his companions, leaders in that effort to establish the independence of Hungary, took refuge in the dominions of Turkey. At the request of the Emperor of Austria, the Sultan engaged to detain them for one year, at the expiration of which period, unless further conventions should be entered into to prolong their detention, it was understood here that they were to be at liberty to depart. In the mean time, the Emperor of Russia demanded of the Porte that these persons should be delivered up to him. The menacing attitude

[1] November 26, 1851. See Works, vi., 513, *et seq.* [2] Ibid., vi., 518, 521.

thus taken toward the Government of so weak a power as Turkey, in regard to the inviolability of her national territory, led Mr. Webster, although not at that time in any official position but that of a Senator (1849), to seize the first public opportunity to lift up his voice in tones that could not be misunderstood in Europe, so far as he had power to guide the opinion of this country and of the world. At a social but public festival of the "Sons of New Hampshire," held in Boston, on the 7th of November, 1849, Mr. Webster said, what was immediately circulated throughout this country and in Europe:

"Gentlemen, the events of the past year are many, and some of them most interesting. They seem to result from an indefinite purpose of those who wish to meliorate the condition of things in Europe. They have had no distinct ideas. There may be incidental benefits arising from the scenes of turmoil and blood; but no general and settled change for the better. These wars may somewhat assuage the imperial sway of despots. They may serve to convince those who hold despotic power, that they may shake their own thrones if they do not yield something to popular demands. In that sense some good may come of these events.

"Then, gentlemen, there is another aspect. We have all had our sympathies much enlisted in the Hungarian effort for liberty. We have all wept at its failure. We thought we saw a more rational hope of establishing free government in Hungary than in any other part of Europe, where the question has been in agitation within the last twelve months. But despotic power from abroad intervened to suppress that hope.

"And, gentlemen, what will come of it I do not know. For my part, at this moment, I feel more indignant at recent events connected with Hungary than at all those which passed in her struggle for liberty. I see that the Emperor of Russia demands of Turkey that the noble Kossuth and his companions shall be given up, to be dealt with at his pleasure. And I see that this demand is made in derision of the established law of nations. Gentlemen, there is something on earth greater than arbitrary or despotic power. The lightning has its power, and the whirlwind has its power, and the earthquake has its power; but there is something among men more capable of shaking despotic thrones than lightning, whirlwind, or earthquake, and that is, the excited and aroused indignation of the whole civilized world. Gentlemen, the Emperor of Russia holds himself to be bound by the law of nations, from the fact that he negotiates with civilized nations, and that he forms alliances and treaties with them. He professes, in fact, to live in a civilized age, and to govern an enlightened nation. I say that, if, under these circumstances, he shall perpetrate so great a violation of national law as to seize these Hungarians and to execute them, he will stand as a criminal and malefactor in the

view of the public law of the world. The whole world will be the tribunal to try him, and he must appear before it, and hold up his hand, and plead, and abide its judgment.

"The Emperor of Russia is the supreme lawgiver in his own country, and, for aught I know, the executor of that law also. But, thanks be to God, he is not the supreme lawgiver or executor of national law, and every offence against that is an offence against the rights of the civilized world. If he breaks that law in the case of Turkey, or any other case, the whole world has a right to call him out, and to demand his punishment.

"Our rights as a nation, like those of other nations, are held under the sanction of national law; a law which becomes more important from day to day; a law which none, who profess to agree to it, are at liberty to violate. Nor let him imagine, nor let any one imagine, that mere force can subdue the general sentiment of mankind. It is much more likely to diffuse that sentiment, and to destroy the power which he most desires to establish and secure.

"Gentlemen, the bones of poor John Wickliffe were dug out of his grave seventy years after his death, and burnt for his heresy; and his ashes were thrown upon a river in Warwickshire. Some prophet of that day said:

'The Avon to the Severn runs,
The Severn to the sea,
And Wickliffe's dust shall spread abroad,
Wide as the waters be.'

"Gentlemen, if the blood of Kossuth is taken by an absolute, unqualified, unjustifiable violation of national law, what will it appease, what will it pacify? It will mingle with the earth, it will mix with the waters of the ocean, the whole civilized world will snuff it in the air, and it will return with awful retribution on the heads of those violators of national law and universal justice. I cannot say when or in what form; but depend upon it that, if such an act take place, then thrones, and principalities, and powers, must look out for the consequences.

"And now, gentlemen, let us do our part; let us understand the position in which we stand, as the great republic of the world, at the most interesting era of its history. Let us consider the mission and the destiny which Providence seems to have designed for us, and let us so take care of our own conduct that, with irreproachable hearts, and with hands void of offence, we may stand up whenever and wherever called upon, and, with a voice not to be disregarded, say, This shall not be done, at least not without our protest."

In the progress of events it appeared that the Government of Turkey, strengthened by the general manifestation, in Europe as well as in America, of such sentiments as those to which Mr. Webster had given utterance, had refused to surrender the

Hungarian refugees to any power. It removed them, however, from the neighborhood of its frontiers, and confined them at Kutaieh in Asia Minor, where they were still detained when Mr. Webster became Secretary of State under President Fillmore. It was understood that they had an earnest desire to come to the United States; and Mr. Clayton, the predecessor of Mr. Webster, had instructed the American minister at Constantinople to offer to receive them on board of one of our national ships, to be conveyed to this country. This offer had not been accepted by the Turkish Government, in consequence of its engagement with Austria, to detain these refugees for a certain period. This period, it was understood, was about to expire in February, 1851; and Mr. Webster, with the full approbation of President Fillmore, then determined to secure their release, and their free departure for the United States. The undertaking was a delicate one. On the one hand, it was necessary to satisfy the Government of Turkey that these persons were not *demanded* by the United States. On the other hand it was equally necessary to convince the Porte that the American Government stood ready, from friendly motives, to relieve it from the embarrassment created by the demand of Austria, that these refugees should be treated as prisoners whom the Government of the Sultan was bound by its engagements with Austria to detain further. Mr. Webster considered that the best solution of this whole matter was, to withdraw these persons from Europe; and that the consent of Turkey to their release, and to their being placed under the protection of the American flag, was indispensable to prevent a violation of the independence of Turkey by either Austria or Russia. At the same time, the offer had to be made in such a manner that, while Austria might endeavor to cause its rejection by Turkey, she could have no reason for complaining of us. All these objects were successfully accomplished by Mr. Webster's dispatch to the American minister at Constantinople, Mr. Barringer, under date of February 28, 1851.[1] After a review of the reasons why the Government of the Porte should enter into no new stipulations with any power for the further detention of the refugees, the dispatch closed as follows:

[1] Works, vi., 591.

"The detention of these persons for a short period of time, in order that they might not at once repair to other parts of Europe to renew their operations, was a request that it was not unnatural to make, and which it was certainly in the discretion of the Sublime Porte to grant, without any sacrifice of its dignity, or any want of kindness toward the refugees.

"But at this time all possible apprehension of danger or disturbance, to result from their liberation, has ceased. It is now more than a year since the last Hungarian army surrendered, and the attempt at revolution and the establishment of an independent government, in which they were engaged, was most sternly crushed by the united forces of two of the greatest powers of Europe. Their chief associates are, like themselves, in exile, or have perished on the field, or on the scaffold, or by military execution. Their estates are confiscated, their families dispersed, and every castle, fortress, and city of Hungary is in the possession of the forces of Austria.

"They themselves, by their desire to remove so far from the scene of their late conflict, declare that they entertain no hope or thought of other similar attempts, and wish only to be permitted to withdraw themselves altogether from all European association, and seek new homes in the vast regions of the United States. For their attempt at independence they have most dearly paid; and now, broken in fortune and in heart, without home or country—a band of exiles, whose only future is a tearful remembrance of the past, whose only request is to spend their remaining days in obscure industry—they wait the permission of his Imperial Majesty to remove themselves, and all that may remain to them, across the ocean, to the uncultivated regions of America, and leave forever a continent which, to them, has become more gloomy than the wilderness, more lone and dreary than the desert.

"The people of the United States expect from the generosity of the Turkish monarch that this permission will be given; they wait to receive those exiles on their shores, where, without giving just cause of uneasiness to any government, they may enjoy whatever of consolation can be afforded by sympathy for their sufferings, and that assistance in their necessities which this people have never been late in offering to any, and which they are not now for the first time called upon to render. Accustomed themselves to high ideas of national independence, the people of the United States would regret to see the Government of the vast empire of Turkey constrained by the force of circumstances to exercise the duty of keeping prisoners for other powers. You will further say to the Sublime Porte that, if, as this Government hopes and believes, M. Kossuth and his companions are allowed to depart from the dominions of his Imperial Majesty, at the expiration of the year commencing in May, 1850, they will find conveyance to the United States in some of its national ships, now in the Mediterranean Sea, which can be spared for that purpose; and you will, on receiving assurances that these persons will be permitted to embark, ascertain precisely their number, and immediately give notice to the

commander of the United States squadron on that station, who will receive orders from the proper authorities to be present with such of the ships as may be necessary, or can leave the station, to furnish conveyance for Kossuth and his companions to the United States.

"Daniel Webster."

Compliance with this proposal was vigorously resisted by Austria, who insisted that the Porte had come under engagements not to release these refugees without her consent, and that the state of affairs in her dominions rendered it necessary that they should not be set at liberty. But the American minister, seconded by the active and spirited exertions of Sir Stratford Canning, the representative of England, and assisted by the Sardinian minister, at length procured the assent of the Turkish Government, and M. Kossuth, with his wife and children, and his associates, were received on board of the American frigate Mississippi in August, 1851. On the 20th of September, the frigate arrived off Spezzia, in the Sardinian dominions, but, in consequence of quarantine regulations, the passengers did not land.[1] In the latter part of October they disembarked at New York.

Among these very grave subjects of diplomacy, there happened an event which caused no little amusement in the circles of Washington in which it became known, and which presents in a ludicrous aspect the rules of etiquette supposed to be involved. At the head of the Brazilian legation in Washington at this time there was a gentleman who had been longer accredited to our Government than the British minister, Sir Henry Bulwer. At a private dinner-party at Mr. Webster's house, this gentleman was not placed, at table, in the position to which he considered himself entitled, but the "precedence," without reference to the great "rules" established at the "Congress of Vienna," was given to the British minister and his wife. On the next day Mr. Webster was somewhat astonished by the following official communication:

[*Translation.*[2]]

"Brazilian Legation, Washington, *January* 25, 1851.

"Most excellent Sir: In the instructions of my Government to all their representatives, there is an article enjoining them to claim all the

[1] A few of the exiles went from Turkey directly to England.

[2] The copies of this correspondence remaining among Mr. Webster's

privileges granted by treaties, public right, favor of Government, *possession, or customary right.* Obeying to this rule, I am now obliged to call the attention of your excellency upon an incident occurred yesterday on the occasion of the dinner to which you made me and my wife the honor tc invite.

"It is a principle established by the Congress of Vienna, and adopted by all the civilized nations even those who were not represented there (as the United States and Brazil), that the precedence between the diplomatic agents of the same capacity must be established only by the priority of the presentation of their credentials.

"Being yesterday present at your table the minister of Mexico, I, and the minister of Great Britain, your excellency gave the first places to the minister of Great Britain and his lady, contrary to the rule above mentioned.

"As the delivery of our credentials was previous to the appointment of your excellency as Secretary of State, this fact could immediately be attributed to a mistake or an oblivion of dates, if some circumstances could not induce some to believe that this was not the motive.

"Great Britain is an European power, Mexico and Brazil are American powers; between Great Britain and the United States there are affinities of race, language, etc., etc. Great Britain is considered, as to forces and wealth, a power of a superior order. Man could [not] believe that, giving the precedence to Sir Henry Bulwer and his lady against the rule above mentioned, your excellency was guided by the old considerations infirmed by the rule simple, clear, and easily applicable of the Congress of Vienna.

"I do not believe that the Government of the United States wish to establish in favor of the representatives of the European powers a right of precedence in Washington upon the representatives of the American powers, nor to attribute to the British ministers privileges, which would certainly not obtain in London any reciprocity in favor of the American ministers. But as the incident of yesterday can induce some persons to understand so, your excellency certainly will agree that this point wants to be clearly established.

"I must inform your excellency that even yesterday the distinguished and estimable representative of her Britannic Majesty, as soon as he found an opportunity, made me spontaneously an apology, declining the responsibility of the fact. This proves that I cannot be accused of excess of susceptibility when I address myself in this way, and on this subject to your excellency, from whom I am sure to receive an answer in accordance with your known urbanity and justice, clearly establishing that I am entitled to the precedence upon the actual representatives in Washington, of Great Britain and France, and upon all other representatives of American or

papers are labelled in his own handwriting — "Diplomatic correspondence respecting a matter of etiquette in seating Chevalier ——— at a private dinner-party; very amusing, but only to be read by posterity."—The translations appear to have been made literally.

European powers who shall afterward present their credentials, and whose capacity shall be inferior or equal to that of envoy extraordinary and minister plenipotentiary.

"I avail myself of this occasion to present to your excellency the renewed assurances of my most high and distinguished consideration.

"S. DE ———.

"His Excellency Mr. D. Webster, Secretary of State, etc., etc."

Mr. Webster was disposed to give a grave rebuke to this note; and his answer, as he first wrote it, and as it now remains in his handwriting, ended with an intimation that no future occasion of the same kind would be likely to subject the complainant to the necessity of remonstrating against the social arrangements at Mr. Webster's table. But the answer finally sent was in these words:

[TO THE CHEVALIER DE ———, ETC., ETC.]

"DEPARTMENT OF STATE, WASHINGTON, *January* 27, 1851.

"SIR: I have to acknowledge the receipt of your letter of the 25th instant.

"It happens to be my fortune not to be entirely unacquainted with the rules adopted by the Treaty of Vienna, respecting the rank of diplomatic agents; and, although the Government of the United States was no party to that treaty, it has usually conformed to what was then established, as being the regulation prevailing with other states. But the Treaty of Vienna, like other treaties, affects only official acts, and does not assume to give the law to private intercourse; and, although I exceedingly regret that any thing should have occurred to cause you concern, yet I am sure you will see, upon consideration, that the private hospitality of my own house may well be regulated by my own discretion, without being made the subject of diplomatic representations.

"Your obedient servant,

"DANIEL WEBSTER."

[FROM THE CHEVALIER DE ———.]

[*Translation.*]

"WASHINGTON, *January* 28, 1851.

"MOST EXCELLENT SIR: I had the honor to receive your letter dated yesterday.

"In my letter of the 25th, I have not put in doubt your being acquainted with the rules of the Treaty of Vienna. On the contrary, I only attributed what seemed to me irregular to an oblivion of dates, or to a mistake. I shall not discuss the distinction established by your excel-

lency between official acts and the private hospitality of the Secretary of State to the diplomatic agents. I rather accept it as saving the principles, which seemed to me could be put in doubt on account of the incident then mentioned.

"To explain the sensibility I manifested, I shall only say that, when precedences between gentlemen are not left to general and admitted rules, to chance circumstances, or incidental positions, but appear indicated by preferences which wound their natural self-esteem, or their national pride, the explosion of those feelings is natural.

"Thanking you for the kind expression of the regret you manifest for an occurrence which caused me concern, and regretting also to have troubled your excellency, I conclude with the renewed assurances of the highest consideration, with which I have the honor to be

"Your most obedient servant,

"S. DE ———.[1]

"His Excellency Mr. Daniel Webster, etc., etc., etc."

[1] Although Sir Henry Bulwer was not a party to this important correspondence, yet, as his name had been introduced in the letter of his Brazilian colleague, Mr. Webster thought it well to show him the answer. The following are Sir Henry's notes to Mr. Webster in regard to it:

"*26th January*, 1851.

"MY DEAR SIR: I never thought Goldsmith so good a philosopher before.

"'These little things are great to little men,' certainly! M. ——— has altogether misrepresented what passed between us on the occasion of our meeting, as I should at once tell him if I did not observe that your letter is marked 'confidential,' and that it is perhaps better to make as little fuss as possible about little things. . . .

"I sent the letter for Dr. Bryant this morning to Mr. Chew, and sincerely regretting that I should have got you into this storm on a puddle.

"I am, my dear sir,

"Most sincerely and truly yours,

"H. L. BULWER."

"Sunday Afternoon.

"MY DEAR SIR: Since closing my former letter, the much susceptible ——— has been here, and produced his dispatch.

"I told him that I thought it very wrong to have introduced my name in the way in which he did, or at all, without first speaking to me; and that, for a man of his sense, it struck me as ridiculous that he should have mistaken or confounded a private party with an official ceremony, to which alone treaties could apply; and that a child would tell him this.

"He seemed sorry, and will be perfectly satisfied with your assurance that you have the good fortune to be acquainted with, and don't mean to dispute, the great act of the Congress of Vienna.

"Lord-a-mercy, what a difficult and important affair it is to ask three or four men to drink a glass of wine and eat a piece of mutton together, if they be officially inclined!

"I tremble at the thought of it, and dedicate a drawer in my chancellerie to 'dinner correspondence.'

"Yours most sincerely,

"H. L. BULWER."

"Monday, *27th January*.

"MY DEAR SIR: Your [first] note is so capital that it caused me no small consideration to decide whether it could in any way be altered so as to be amended; but, as you call my attention to the latter passage, I think, upon the whole, though the culprit richly deserves the chastisement thus administered, that I should be inclined to soften that severe rebuke down to the quiet tone of gentle admonition. . . .

"I am afraid I have kept your messenger some little time, for, to say the truth, I have found it very difficult to decide whether any change, and if so, what change, was desirable.

"I am now doubtful; but, at all events, I have demonstrated my good intentions.

"Ever, my dear sir,

"Yours most sincerely,

"Respectfully, and truly,

"H. L. BULWER."

# CHAPTER XXXVIII.

## 1851–1852.

POLITICAL ISSUES AND CANDIDATES OF 1852—EXCITEMENT IN REGARD TO HUNGARIAN AFFAIRS—MR. WEBSTER'S SPEECH AT THE KOSSUTH BANQUET IN WASHINGTON—POPULAR MOVEMENTS TO EFFECT HIS NOMINATION TO THE PRESIDENCY BY THE WHIG NATIONAL CONVENTION — DISCOURSE BEFORE THE NEW-YORK HISTORICAL SOCIETY—ARGUMENT OF THE INDIA-RUBBER CAUSE —RELATIONS WITH ENGLAND—SPEECHES AT HARRISBURG AND ANNAPOLIS—VISIT TO MARSHFIELD, IN MAY—A SERIOUS ACCIDENT—SPEECH IN FANEUIL HALL—THE WHIG NATIONAL CONVENTION—NOMINATION OF GENERAL SCOTT—PUBLIC RECEPTION OF MR. WEBSTER IN BOSTON—FALSE STEP OF THE BRITISH MINISTRY IN RELATION TO THE FISHERIES—MR. CRAMPTON SENT FOR TO MEET MR. WEBSTER AT MARSHFIELD—WELCOME HOME BY THE NEIGHBORS—WISHES TO RESIGN—YIELDS TO THE PRESIDENT'S REQUEST, AND REMAINS SECRETARY OF STATE—DESIRE OF POLITICAL FRIENDS TO MAKE HIM AN INDEPENDENT CANDIDATE FOR THE PRESIDENCY—MAINTAINS ENTIRE SILENCE IN RESPECT TO THE ELECTION—RETURNS TO WASHINGTON FOR A SHORT TIME—THE AFFAIR OF THE LOBOS ISLANDS—LAST DIPLOMATIC PAPER—AT HOME ONCE MORE—DECLINING HEALTH —SUDDEN VISIT TO BOSTON — LAST TIME IN SOCIETY—LAST GUESTS AT MARSHFIELD FOR PLEASURE—RAPID PROGRESS OF DISEASE—LAST ILLNESS—DEATH—FUNERAL.

THE approach of the first session of Congress after the adoption of the "Compromise Measures," and the nearness of the next election of a President of the United States, render the year on which we are now to enter—the last of Mr. Webster's life—one in which his relations to the country and

his political position will be found to be of even greater importance than they had been on any other occasion when he had been regarded as a candidate for that office. The coming election was to be decided as between the Whig and the Democratic parties, by the attitude which they should respectively assume toward the great adjustment of sectional difficulties that had been effected in the summer of 1850. To render that adjustment final, it was necessary that it should be submitted to the action of the people of the United States, by being made the principal issue in a national election; for it had now become apparent that the people of the whole Union would consider this as the turning-point in the canvass; and that, if they should so will it, the slavery questions would be settled, leaving that institution to be ultimately removed by its own inherent tendency to gradual extinction, and so preventing it from becoming a cause of a sectional and civil war.

But, while among the public men of the country, who were the leading politicians of the Democratic party, there were no considerable differences of opinion in regard to the duty of regarding and proclaiming the "Compromise Measures" as a binding and final settlement, the case was far otherwise among the Whigs. In that party there were prominent, active, and important men, who did not mean to regard this settlement as one on which they were not to be at liberty to continue their opposition. They did not intend to have their party committed to this adjustment as a final one, in such a sense that they would be under a party or personal obligation to forego future agitation of the same questions. Hence it will be found that, when the time approached for the selection by that party of a candidate for the presidency, there was a body of men in the North who intended so to shape the action of the Whig nominating convention as to prevent, if possible, the selection of a candidate whose election must be regarded as determining that the late adjustments of all questions relating to slavery were to be considered as binding upon the new Administration and its supporters. Every thing would of course depend upon the candidate selected, and upon his public and personal relation to the settlement that had been effected in Congress, and which had been made a final one so far as the legislative and execu-

tive departments of the Government could make it so. But, although this was quite obvious, there were many political men among the Whigs of the *Southern* States, who, while they felt the importance of having a candidate whose nomination and election would evince the acceptance by the country of the binding character of the "Compromise Measures," yet did not see, when the candidate came to be selected, that no mere declaration of principles, embodied in what is called on such occasions a "platform," would be of any real importance, unless the candidate presented to the suffrages of the people were in himself a real and actual representative of the principles professed.

Such a representative, in the highest and most important sense, was Mr. Webster. He was identified with the support of the "Compromise Measures" in the most marked manner. It was known everywhere throughout the Union that he regarded it as the duty of the people of this country now to abstain, both in the North and in the South, from all further political agitation or action on the subject of slavery. His exertions and sacrifices, to bring about a settlement on which the two sections could safely repose, and under which the country could be at peace, were everywhere felt and everywhere appreciated. He was, moreover, in his personal claims as a public man upon the party with which he had long been connected, the person most entitled to receive its nomination for the presidency. This was the last occasion, in all probability, on which that party could have it in its power to place at the head of the Government the first statesman in the land who was to be at all regarded as a candidate for the position; for, aside from the fact that Mr. Clay had twice failed of an election, his age and the condition of his health had withdrawn him from the field. In addition to all these considerations, Mr. Webster's nomination was desired by a great body of men throughout the country, from motives of the highest character, who did not ordinarily participate actively in elections, but whose influence everywhere might be expected to constitute, in such a canvass, a force of an additional and a very important character.

President Fillmore, as the executive by whom the "Compromise Measures" had been officially approved, was also iden-

tified with them as a final settlement, and he had given to them a firm and consistent support. For this reason, and because his administration of the Government had been wise, prudent, and successful, he was regarded as a candidate for the Whig nomination. He had many friends both in the North and in the South, who took active steps to bring him forward as such a candidate. He did not discourage, nor did he do any thing to promote, these popular movements; and, although there were those among the friends of Mr. Webster who thought that Mr. Fillmore should have discountenanced such movements, and should have deferred to what they felt to be Mr. Webster's superior claims, yet it is not to be inferred from the existence of such a feeling that the President pursued a course that was either indelicate or unjust toward the great statesman whose aid had been so important to him in the administration of the Government. Mr. Webster himself never felt personally aggrieved by Mr. Fillmore's candidacy, never considered that, in allowing the use of his name, Mr. Fillmore was actuated by any but patriotic motives, or by any purpose less pure than a desire to have the policy, which they both regarded as essential to the welfare of the country, finally prevail; nor have I discovered a trace, in Mr. Webster's most intimate correspondence with his personal friends, of any dissatisfaction with what the President did or did not do in regard to the pending nomination.

General Scott was the third person for whom the nomination was likely to be sought, and he was the favorite candidate of those Northern politicians, among the Whigs, who were opposed to the principle of action represented by both Mr. Webster and Mr. Fillmore, viz., that the "Compromise Measures" ought to be treated by the Whig party as a definitive settlement of the slavery questions, in the sense of precluding all further political agitation. General Scott, as a candidate for the presidency, could present no other claims than such as arise from military success and renown. As a military commander, he had great reputation, and, in that capacity, his public services had been very conspicuous and important. But his fitness for the office of President was not admitted by any portion of the people of this country excepting those who are accustomed to think that a great general may prove to be a

great statesman; nor was he now, or on any other occasion, brought forward as a candidate for the presidency from any other reason than from the popularity that attends military fame, which is often supposed to be a sure guarantee of political success. His relations to the public measures, which were now to form the principal issue in a great national canvass, were simply neutral. It was not known that he had favored them; and the persons most active in promoting his selection as the Whig candidate were known to be those who had opposed and who continued to denounce them.

Notwithstanding the importance of their own domestic concerns, there was now, however, no inconsiderable danger lest the people of this country, led by their sympathies with what is remote, but peculiarly exciting, would have their attention withdrawn from the questions that were vital to their own immediate welfare. I refer to the fact that, in the autumn of this year, the arrival of Kossuth and his companions caused an excitement through the United States, which threatened, for a time, to baffle the prudence of our statesmen, to disturb all the elements of our politics, and to sweep away the barriers which our traditions, our law, and our public policy, have erected against direct interventions in the concerns of the European Continent. How Mr. Webster, who, it is to be remembered, was now likely to become a candidate for the first office of our Republic, bore himself, in the midst of this Hungarian whirlwind, is a matter of some consequence in his personal history as a statesman.

It was little imagined by any one connected with the Government of the United States, when the offer was made to bring M. Kossuth to this country, that he would seek to make it the base of further operations in regard to the independence of Hungary, or of other revolutionary movements in any part of the world. It was supposed that he would gladly find here an asylum, in which he could pass the remainder of his life in tranquillity, attended by such sympathy and respect as belong to a patriot who has made an unsuccessful effort to accomplish the independence of his country. But, whether he misapprehended or not the purpose of our Government, he came here with views very different from those entertained by Mr. Webster,

whose influence had taken him from his enforced exile in Turkey. That he was an enthusiast in regard to the liberation of Hungary from the dominion of Austria; that he possessed extraordinary personal qualities and powers for imparting his enthusiasm to multitudes, and that he landed on our shores with a hope of producing here a popular determination to espouse his cause, are well-known facts. He had not been among us many weeks before he had awakened an interest which no other exile ever excited. Making a direct appeal for money, and, at the same time, avowing his proposed movements in Europe, his appeals were responded to, not only in the city of New York, but from the interior; not only by persons of foreign birth, but by the native population, with an enthusiasm entirely unprecedented. A popular movement, that seemed, for a time, quite uncontrollable, was apparently destined to carry the Government, by a sweeping and irresistible tide of public opinion, beyond all the restraints of policy and law. In the months of November and December (1851), pressing invitations to Mr. Webster to come to the city of New York, and take part in proceedings in honor of Kossuth, were urged by those who thought it important to Mr. Webster's political interests that he should place himself at the head of this movement. But all this arose from a great misapprehension of the character of the excitement, and of the nature of the sympathy which it was proper for a statesman like Mr. Webster to extend to it. What his personal sentiments were on the subject of Hungarian independence, no one could doubt; but he thought it most becoming to await the arrival of Kossuth in Washington, to meet him there as the Secretary of State of the United States, and to say and do nothing that he could not say and do in perfect consistency with his official position, and with his known character as an American statesman.

M. Kossuth arrived in Washington, after he had become an object of great popular interest, and after he had succeeded in forming a somewhat extensive organization in support of his general objects. Writing to his friend Mr. Haven, on the 23d of December, Mr. Webster said: "It requires great caution so to conduct things here, when M. Kossuth shall arrive, as to keep clear both of Scylla and Charybdis. We shall treat him

with respect, but shall give him no encouragement that the established policy of the country will be in any degree departed from." On the 30th, he writes to Mr. Blatchford: "I have called on Kossuth. No exception, certainly, can be taken to his appearance and demeanor as a gentleman; he is handsome enough in person, evidently intellectual and dignified, amiable and graceful in his manners. I shall treat him with all personal and individual respect, but, if he should speak to me of the policy of 'intervention,' I shall have 'ears more deaf than adders.' I go with him to the President to-morrow. The President invites him to dine on Saturday."

The presentation to the President was on the 31st. As soon as it was over, Mr. Webster wrote: "Yesterday and to-day I happen to have been very hard at work, in bad weather, and I have now come from the President, where, with Governor Seward, I have been presenting Kossuth. The President received him with great propriety, and his address was all right; sympathy, personal respect, and kindness, but no departure from our established policy."

There were two reasons which governed Mr. Webster in determining to present M. Kossuth to the President in a somewhat formal manner. In the first place, he had been the official head of at least a large body of the Hungarian people, in their late effort to accomplish their independence; and it was due not only to this fact, and to his personal eminence and respectability, but also to the warm sympathy of the American people in his cause, that he should be received by the President as a person of distinction. In the next place, it was of great consequence that M. Kossuth should learn at once—and that the people of the United States and the world at large should also learn—by an official declaration of the President, that no marks of personal respect and sympathy were to be construed as affording any encouragement that the long-established policy of the United States, in respect to interventions in the affairs of other nations, was to be changed.

The same motives led Mr. Webster to attend the banquet given to M. Kossuth, in Washington, on the 7th of January, 1852, by members of Congress and others. The line was now drawn. There could justly be no misapprehension, at home or abroad,

of any thing that Mr. Webster might now say concerning the Hungarian Revolution, in any of its past, present, or future aspects, so long as he should maintain the distinction on which he had always acted in reference to the struggles of European nations for the liberty of governing themselves. From the time when he raised his voice, in 1824, against the principles of the "Holy Alliance," by which the governments of Europe claimed the right to repress the efforts of all peoples to change their political relations, down to the present hour, he had always had a character to maintain, as a statesman who considered those principles at war with the inalienable rights of mankind. He did not expect or desire now, more than he expected or desired then, to act upon particular cases by any other means than by the force of that public opinion of nations, which accomplishes all that can be accomplished for free institutions, without making them objects of international wars. At the same time, he did not think that it became him to treat coldly a great popular sympathy with what appeared to be the interests and the cause of liberty; but that it was incumbent on him, rather, to guide and direct that sympathy, so that it might act in a true conformity to what all enlightened Americans knew to be the traditionary policy and the established law of their country.

Accordingly, his speech at the Kossuth banquet, in Washington, was confined exclusively to the consideration of the circumstances which entitle a people to govern themselves. He said:

"I have great pleasure in participating in this festival. It is a remarkable occasion. He who is your honored guest to-night has led thus far a life of events that are viewed as highly important here, and still more important to his own country. Educated, spirited, full of a feeling of liberty and independence, he entered early into the public councils of his native country, and he is here to-day fresh from acting his part in the great struggle for Hungarian national independence. That is not all his distinction. He was brought to these shores by the authorities of Congress. He has been welcomed to the capital of the United States by the votes of the two Houses of Congress. I agree, as I am not connected with either branch of the Legislature, in joining, and I do join, in my loudest tone, in the welcome pronounced by them to him. The House of Representatives—the immediate representatives of the people—full themselves of an ardent love of liberty, have joined in that welcome; the wisdom and

sobriety of the Senate have joined in it; and the head of the Republic, with the utmost cordiality, has approved of whatsoever official act was necessary to bid him welcome to these shores. And he stands here to-night, in the midst of an assembly of both Houses of Congress, and others of us met here in our individual capacity, to join the general acclaim, and to signify to him with what pleasure we receive him to the shores of this free land—this asylum of oppressed humanity. Gentlemen, the effect of the reception thus given him cannot but be felt. It cannot but have its influence beyond the ocean, and among countries where our principles and our sentiments are either generally unknown or generally disliked. Let them go forth—let it be borne on the winds of heaven—that the sympathies of the Government of the United States, and all the people of the United States, have been attracted toward a nation struggling for national independence, and toward those of her sons who have most distinguished themselves in that struggle.

"We are too much inclined to underrate the power of moral influence, and the influence of public opinion, and the influence of principles, to which great men, the lights of the world and of the age, have given their sanction. Who doubts that, in our own struggle for liberty and independence, the majestic eloquence of Chatham, the profound reasoning of Burke, the burning satire and irony of Colonel Barré, had influences upon our fortunes here in America? They had influences both ways. They tended, in the first place, somewhat to diminish the confidence of the British ministry in their hopes of success in attempting to subjugate an injured people. They had influence another way, because, all along the coasts of the country—and all our people, in that day, lived upon the coast—there was not a reading man who did not feel stronger, bolder, and more determined in the assertion of his rights, when these exhilarating accounts from the two Houses of Parliament reached him from beyond the seas. He felt that those who held and controlled public opinion elsewhere were with us; that their words of eloquence might produce an effect in the region where they were uttered; and, above all, they assured them that, in the judgment of the just, and the wise, and the impartial, their cause was just, and they were right; and, therefore, they said, 'We will fight it out to the last.'

"Now, gentlemen, another great mistake is sometimes made. We think that nothing is powerful enough to stand before autocratic, monarchical, or despotic power. There is something strong enough, quite strong enough, and, if properly exerted, will prove itself so, and that is the power of intelligent public opinion in all the nations of the earth. There is not a monarch on earth whose throne is not liable to be shaken by the progress of opinion, and the sentiment of the just and intelligent part of the people. It becomes us, in the station which we hold, to let that public opinion, so far as we form it, have a free course. Let it go out; let it be pronounced in thunder-tones; let it open the ears of the deaf; let it open the eyes of the blind; and let it be everywhere proclaimed what we of this great republic think of the general principle of human liberty, and of that oppres-

sion which all abhor. Depend upon it, gentlemen, that, between these two rival powers—the autocratic power, maintained by arms and force, and the popular power, maintained by opinion—the former is constantly decreasing, and, thank God, the latter is constantly increasing. Real human liberty and human rights are gaining the ascendant; and the part which we have to act in all this great drama is to show ourselves in favor of those rights, to uphold our ascendency, and to carry it on until we shall see it culminate in the highest heaven over our heads.

"On the topics, gentlemen, which this occasion seems to invite, I have nothing to say, because, in the course of my political life—not now a short one—I have said all that I wish to say, and all that I wish to transmit to posterity, connected with my own name and history. What I said of Greece twenty-five years ago, when our friend was too young to be in political life, I repeat to-night, *verbum post verbum*, exactly what I said then. What I said of Spain at a later period, when the power of the restored Bourbons was exerted to impose upon Spain a dynasty not wished by the people of Spain, that I repeat in English, and Spanish, and French, and in every other language, if they choose to translate it.

"May I be so egotistical as to say that I have nothing new to say upon the subject of Hungary? Gentlemen, in the autumn of the year before last, out of health, and retired to my parental home among the mountains of New Hampshire, I was, by reason of my physical condition, confined to my house; but I was among the mountains whose native air I was born to inspire. Nothing saluted my senses, nothing saluted my mind or my sentiments, but freedom, full and entire; and there, gentlemen, near the grave of my ancestors, I wrote a letter which most of you may have seen, addressed to the Austrian *chargé d'affaires*. I can say nothing of the ability displayed in that letter; but, as to its principles, while the sun and moon endure, and while I can see the light of the sun and the moon, I stand by them. In a letter, dated February last, moved by these considerations, which have influenced all the Christian world, making no particular merit of it, I addressed a letter to the American minister, at Constantinople, at the court of the Sublime Porte, for the relief of M. Louis Kossuth and his companions in exile; and I happen to know that that letter was not without some effect. At any rate, it is proper for me here to say that this letter, and that one to which I have before alluded, were dispatched with the cordial approbation of the President of the United States. It was, therefore, so far the act of the Government of the United States in its executive capacity. Now, I shall not further advert to these topics to-night, nor shall I go back to ancient times, and discuss the provisions of the Holy Alliance; but I say that, in the sentiments avowed by me, I think, in the years 1823 and 1824, in the cause of Greece, and in the more subsequent declarations of opinion, there is that which I can never depart from without departing from myself. I should cease to be what I am if I were to retract a single sentiment which has been expressed on these several occasions.

"Now, gentlemen, I do not propose, at this hour of the night, to entertain you, or attempt to entertain you, by any general disquisition upon the value of human freedom, upon the inalienable rights of man, or upon any general topics of the kind; but I wish to say a few words upon the precise question, as I understand it, that exists before the civilized world, between Hungary and the Austrian Government. I wish to arrange the thoughts, to which I desire to give utterance, under two or three general heads.

"And, in the first place, I say that, wherever there is, in the Christian and civilized world, a nationality of character—wherever there exists a nation of sufficient knowledge and wealth and population to constitute a government, then a national government is the necessary and proper result of nationality of character. We may talk of it as we please, but there is nothing that satisfies the mind of man, in an enlightened age, unless he is governed by his own country and the institutions of his own government. No matter how easy be the yoke of a foreign power, no matter how lightly it sits upon the shoulders, if it is not imposed by the voice of his own nation and of his own country, he will not, he cannot, and he *means* not to be happy under its burden.

"There is, gentlemen, one great element of human happiness mixed up with others. We have our social affections, our family affections; but, then, we have this sentiment of country which imbues all our hearts, and enters into all our other feelings; and that sentiment of country is an affection not only for the soil on which we are born, it not only appertains to our parents and sisters and brothers and friends, but to our habits and institutions, and to the government of that country in all respects. There is not a civilized and intelligent man on earth that enjoys entire satisfaction in his condition if he does not live under the government of his own nation, his own country, whose volitions and sentiments and sympathies are like his own. Hence he cannot say: 'This is not my country; it is the country of another power; it is a country belonging to somebody else.' Therefore, I say that wherever there is a nation of sufficient intelligence and numbers and wealth to maintain a government, distinguished in its character and its history and its institutions, that nation cannot be happy but under a government of its own choice.

"Then, sir, the next question is, Whether Hungary, as she exists in our ideas, as we see her, and as we know her, is distinct in her nationality, is competent in her population, is also competent in her knowledge and devotion to correct sentiment, is competent in her national capacity for liberty and independence, to maintain a government that shall be Hungarian out and out? Upon that subject, gentlemen, I have no manner of doubt. Let us look a little at the position in which this matter stands. What is Hungary? I am not, gentlemen, about to fatigue you with a long statistical statement; but I wish to say that, as I understand the matter, and I have taken some pains to look at it, Hungary contains a sufficient population to constitute a nation."

Here Mr. Webster gave a detailed account of the extent and population of Hungary, showing that it had about fourteen millions inhabitants of all classes, and continued:

"Thus it is evident that, in point of power, so far as power depends on population, Hungary possesses as much power as England proper, or even as the kingdom of Prussia. Well, then, there is population enough, there are people enough. Who, then, are they? They are distinct from the nations that surround them. They are distinct from the Austrians on the west, and the Turks on the east; and I will say, in the next place, that they are an *enlightened* nation. They have their history, they have their traditions, they are attached to their own institutions—institutions which have existed for more than a thousand years.

"Gentlemen, it is remarkable that, on the western coast of Europe, political light exists. There is a sun in the political firmament, and that sun sheds his light on those who are able to enjoy it. But in Eastern Europe, generally speaking, and on the confines between Eastern Europe and Asia, there is no political sun in the heavens. It is all an arctic zone of political life. The luminary, that enlightens the world in general, seldom rises there above the horizon. The light which they possess is, at best, crepuscular—a kind of twilight; and they are under the necessity of groping about to catch, as they may, any stray gleams of the light of day. Gentlemen, the country of which your guest to-night is a native is a remarkable exception. She has shown through her whole history, for many hundreds of years, an attachment to the principles of civil liberty, and of law and of order, and obedience to the Constitution which the will of the great majority has established. That is the fact; and it ought to be known wherever the question of the practicability of Hungarian liberty and independence is discussed. It ought to be known that Hungary stands out from it above her neighbors in all that respects free institutions, constitutional government, and an hereditary love of liberty.

"Gentlemen, my sentiments in regard to this effort made by Hungary are here sufficiently well expressed. In a memorial, addressed to Lord John Russell and Lord Palmerston, said to have been written by Lord Fitzwilliam, and signed by him and several other peers and members of Parliament, the following language is used, the object of the memorial being to ask the mediation of England in favor of Hungary:

"'While so many of the nations of Europe have engaged in revolutionary movements, and have embarked in schemes of doubtful policy, and still more doubtful success, it is gratifying to the undersigned to be able to assure your lordships that the Hungarians demand nothing but the recognition of ancient rights, and the stability and integrity of their ancient Constitution. To your lordships it cannot be unknown that that Constitution bears a striking family resemblance to that of our own country.'

"Gentlemen, I have one other reference to make, and then I shall take leave of you.

"You know, gentlemen, that, in 'Measure for Measure,' Shakespeare, speaking of the Duke of Vienna, says: 'If the duke, with other dukes, come not to composition with the King of Hungary, why, then, all the dukes fall upon the king.' 'Heaven grant us peace,' says another character. 'Thou concludest,' says the first speaker, 'like the sanctimonious pirate that went to sea with the ten commandments, but scraped one out of the table—thou shalt not steal! Ay, that he razed. Why, 'twas a commandment to command the captain and all the rest from their functions; there is not a soldier of us all that, in the thanksgiving before meat, doth relish the petition well that prays for peace.'

"Now, I am afraid that, like the Dukes of Austria in former times, the Emperor of Austria, in our time, doth not relish the petition for peace, unless it be founded on the utter extermination of the nationality of Hungary.

"Gentlemen, I have said that a national government, where there is a distinct nationality, is essential to human happiness. I have said that, in my opinion, Hungary is thus capable of human happiness. I have said that she possesses that distinct nationality, that power of population, and that wealth, which entitle her to have a government of her own; and I have now to add, what I am sure will not sound well upon the Upper Danube, and that is that, in my humble judgment, the imposition of a foreign yoke upon a people capable of self-government, while it oppresses and depresses that people, adds nothing to the strength of those who impose that yoke. In my opinion, Austria would be a better and a stronger government to-morrow if she confined the limits of her power to her hereditary and German domains, especially if she saw in Hungary a strong, sensible, independent neighboring nation; because I think that the cost of keeping Hungary quiet is not repaid by any benefit derived from Hungarian levies or tributes. And then, again, good neighborhood, and the good-will and generous sympathies of mankind, and the generosity of character that ought to pervade the minds of governments, as well as those of individuals, is vastly more promoted by living in a state of friendship and amity with those who differ from us in modes of government, than by any attempt to consolidate power in the hands of one over the rest.

"Gentlemen, the progress of things is unquestionably onward. It is onward with respect to Hungary; it is onward everywhere. Public opinion, in my estimation at least, is making great progress. It will penetrate all resources; it will come more or less to animate all minds; and, in respect to that country for which our sympathies to-night have been so strongly invoked, I cannot but say that I think the people of Hungary are an enlightened, industrious, sober, well-inclined community; and I wish only to add, that I do not now enter into any discussion of the form of government that may be proper for Hungary. Of course, all of you, like myself, would be glad to see her, when she becomes independent, embrace that

system of government which is most acceptable to ourselves. We shall rejoice to see our American model upon the Lower Danube, and on the mountains of Hungary. But this is not the first step. It is not that which will be our first prayer for Hungary. That first prayer shall be that Hungary may become independent of all foreign power—that her destinies may be intrusted to her own hands, and to her own discretion. I do not profess to understand the social relations and connections of races, and of twenty other things that may affect the public institutions of Hungary. All I say is, that Hungary can regulate these matters for herself infinitely better than they can be regulated for her by Austria; and, therefore, I limit my aspirations for Hungary, for the present, to that single and simple point—Hungarian independence, Hungarian self-government, Hungarian control of Hungarian destinies. These are the aspirations which I entertain, and I give them to you, therefore, gentlemen, as a toast: '*Hungarian Independence*—Hungarian control of her own destinies; and Hungary as a distinct nationality among the nations of Europe.'"

Twenty years have not elapsed since these sentiments were uttered; and we have seen an Emperor of Austria take the oaths of King of Hungary, according to its ancient constitution, in the capital of that country; we have seen Italy rise into a kingdom of her own; and we have seen the people of Spain expel a dynasty, and take into their own hands the determination of their own political condition.

In the autumn of 1851, and the succeeding winter, the friends of Mr. Webster, in different parts of the Union, made preparations to effect his nomination for the presidency, by the Whig National Convention that was expected to assemble in Baltimore in the following June. In the latter part of November (1851), a very numerous assembly of delegates was held in Massachusetts, which put forth an address to the people of the United States, written by Mr. Everett. It was a document that expressed, with singular ability, the grounds on which Mr. Webster's nomination and election ought to be regarded as of the highest importance to the welfare of the country. The following were its closing paragraphs:

"It is quite evident, however, to any one who will attentively consider the state of opinion in and out of Congress in 1850, that all other influences, however important, would have been unavailing, but for the assurance afforded by the speech of Mr. Webster, that the persons of the greatest influence and highest standing at the North might be depended on as firm

friends of the Union, and ready to carry the Constitution faithfully into effect, even when its provisions are least in accordance with the public opinion of that part of the country. Who can doubt that the speech of Mr. Webster, and his subsequent efforts, have been chiefly instrumental in exposing the baneful effects of systematic agitation, in impressing upon honest and patriotic citizens a sense of constitutional duty, and in reassuring good and faithful men, throughout the country, that the Union of the States is destined to endure? We believe that all persons, who take an impartial view of our politics, will concur in the opinion that, while the existence of this agitation formed the chief source of danger to the Union in 1850, the speech of Mr. Webster, more than any other cause, contributed to avert the catastrophe. It may be left to the intelligent and candid to decide whether the recent auspicious result of the Southern elections is not mainly owing to the belief that Mr. Webster's course, on this occasion, has been sustained by the mass of the two great political parties in the non-slaveholding States, with whatever violence it may be denounced by the third party recently formed on the basis of antislavery agitation.

"The conduct of Mr. Webster, as a public man, for a full generation, is now before the public. The greater part of that time he has passed in Congress, with what honor to his immediate constituents, and what benefit to the country at large, need not be said. Twice he has been called to an important executive position as Secretary of State. We have already spoken of the manner in which he performed the duties of that department in 1841 and 1842. We have pointed out the success with which he disposed of controversies alike inveterate and embarrassing, and preserved the peace of the country on honorable terms, at a moment when it seemed all but hopeless to avoid war. On the lamented decease of General Taylor, he was again invited to the Department of State by President Fillmore. We are confident that the whole country will bear us out in saying that, when, in the extremely difficult crisis of affairs which then existed, he took charge of the Department, there was no one of the leading statesmen of the country so clearly indicated by public opinion for the office. That this Administration has greatly won upon the confidence of the country, it is superfluous to say. The people are satisfied that, if the Union is to be preserved, it is upon that platform upon which the Administration has placed itself—the platform laid down by Mr. Webster in his speech of the 7th of March. They are no less satisfied that the honor of the country abroad may be safely trusted to the statesman who has so ably, at all times, vindicated the freedom of the seas—to the author of the letter to the Austrian *chargé d'affaires*, already alluded to. We are confident that no person in the country would bear more willing testimony to the manner in which Mr. Webster has administered the Department than the President of the United States, between whom and the Secretary of State the most unreserved confidence has ever existed.

"With this experience of his ability, does any one doubt that, if Mr

Webster were chosen President, he would do honor to himself and the country? For ourselves, we feel confident that he will give the country and the world an example of a Chief Magistrate such as will reflect new credit upon the leading Republican Government. We feel confident that, as the head and representative of the country, he will pursue a course of which all its citizens will be justly proud; returning to the office as much dignity as he will derive from it. We believe that all parts of the Union will feel that the Government is in hands eminently safe, and well entitled to their respect and confidence, and that foreign countries will own that republics are not always ungrateful for the services of their most distinguished citizens.

"We are persuaded, at the moment when we put forth this address, that there is no man in the country in whom the great masses of our fellow-citizens have higher confidence; and we cherish, with equal confidence, the conviction that, in the judgment of the civilized world, there is not more than one American name entitled to stand higher than his. We feel a just and elevated pride, as Americans, that one, whose name is thus known and respected throughout the world; whose thrilling eloquence has roused and encouraged the oppressed wherever they have been struggling to be free; who has best defended the Constitution of the country, and done most for its permanence, is an American patriot, worthy the highest honor his country can bestow; and whose election would be regarded as one of the purest triumphs ever achieved by our republican institutions.

"We have thus endeavored, fellow-citizens, without over-statement, and without injustice to others, to discharge the duty which has devolved upon us on this important and interesting occasion. We have sought to disparage no other candidate; we have endeavored to enlist no support on party grounds. The time has come, we think, in which the welfare of the country requires that mere party claims should yield to higher considerations; and we feel that, in the support of Mr. Webster, good citizens of both parties, and in both of the great sections of the country, may cordially and consistently unite.

"Fellow-citizens of the United States, on the 7th of March, 1850, Mr. Webster said, in commencing his speech: 'I speak to-day for the preservation of the Union. Hear me for my cause. I speak not as a Massachusetts man, nor as a Northern man, but as an American.' To-day, fellow-citizens, we speak also for the Union. We speak also not as Massachusetts men, but as Americans. We speak for the great cause so highly transcending all local considerations and all merely party objects; the cause around which our hearts and our hopes all cluster; the cause of our common country."

The following letters express the feelings with which Mr. Webster read this paper:

[TO MR. HAVEN.]

"WASHINGTON, *November* 27, 1851.

"MY DEAR SIR: I was greatly surprised this morning to see the 'Address' in the *Republic* at full length. It reads well, so far as I am a judge, which is only of its ability, not of its truthfulness. That it will be read all over the country I doubt not. You appear to have had an animated meeting. Report speaks goldenly of all the gentlemen who addressed the meeting. I confess, my dear sir, I do indeed sincerely confess, that I am affected and overwhelmed by the sentiments and efforts of such ardent friends. Would that I were more worthy of them! Whatever may happen hereafter, I am satisfied.

"Yours most truly always,

"DAN'L WEBSTER."

[TO MR. HARVEY.]

"WASHINGTON, *November* 27, 1851.

"MY DEAR SIR: I thank you for your letter. The 'Address' was printed in the *Republic* this morning. I am too modest to say what I think of it. The speeches, as appear from the sketches which I have seen, were excellent, most excellent, considering the subject.

"I assure you, my dear sir, that no political promotion, no success in life, could give my heart such a thrill as this outpouring of kindness and confidence by my Massachusetts friends. Enemies, factionists, and fanatics, may now do their worst. I know not how to thank Mr. Ashmun, Mr. Stevenson, Mr. Choate, and others, for their enthusiastic efforts. I do not think I shall ever try to thank either of them. They tower above all thanks of mine.

"Yours most assuredly,

"DAN'L WEBSTER.

"P. S.—How happy it was for Mr. Choate to say, that the doors of Faneuil Hall were at length opened!"

Popular demonstrations of the same character, and with the same object, followed in other States. A similar address to the people of the United States, written by Mr. William M. Evarts, was adopted and published by a great meeting in the city of New York, which closed as follows:

"This eminent citizen, instructed in every art, trained in every discipline, informed by every experience of public life, endowed with every power, and furnished with every acquirement fit for the service of the State—his public virtue and patriotism, tried by every personal, partisan, and sectional influence within the whole sphere of our politics, and ever found true to the whole country, and its permanent welfare—this eminent

citizen, now in full maturity of years and wisdom, yet 'his eye not dimmed, nor his natural force abated,' we believe most worthy to receive the honors, most able to perform the duties, of President of the United States.

"Nor, fellow-citizens, is it a less serious topic for your consideration that justice, justice to Mr. Webster and justice to our country, justice to the historical greatness of the past, and to the solemn claims of the future, requires the earnest and devoted labors of us all, to reward his past and command his future services for the Republic.

"He has served the State from early manhood to the present hour; he has labored for and loved his country with an enthusiasm untiring and undecaying; his very heart and life, as it were, have been wrought into the fabric of our prosperity and our glory; and, at last, he has crowned a long career of noble achievements for the general good with a sublime sacrifice of self to his sense of public duty, which has filled the measure of his fame, and touched the *heart* of the whole people.

"If, besides public talents, virtues, services, and great deserts, *popularity* be required for success in the political canvass, Mr. Webster enjoys it with the people of the United States in an unexampled degree.

"He who denies this, either means by *popularity* something different from admiration, respect, attachment and gratitude, or he means by the *people* some nondescript portion of the community, distinct from the men who till the soil, and ply the loom, and crowd the mart, and navigate the ships, and fill the professions and all the manifold pursuits of industry and business. All *these*, whenever and wherever opportunity affords, in town or country, at the North or South, at the East or West, in the courts, in the Senate, in the popular assembly, seek every occasion to gaze upon his person, to listen to his eloquence, to grasp him by the hand, and attend his presence and his movements with every display of enthusiastic admiration and regard. Repeatedly a candidate for popular suffrage, he has always beaten his competitors; his elections to the Senate have always been, on the part of the Legislature, but a formal expression of the popular will of its constituents; and his place in the Cabinet, now and heretofore, has been accorded upon the well-defined and general expectation and desire of the great mass of the American people.

"For twenty years the school-boys of our land have rehearsed the eloquence of Daniel Webster in the same breath with that of Fisher Ames, and Patrick Henry, and have grown to manhood to find this classic of their school-books the living orator, patriot, and statesman.

"Distrust, then, fellow-citizens, these arrogant contemners of an intelligent, educated, enlightened, generous people, whom they pronounce unable or unwilling to recognize the high deserts of Mr. Webster, claiming only for *themselves* an honorable exception from such blindness and ingratitude!

"For this, our own great State of New York, his frequent public receptions in this city, and his recent enthusiastic greeting from town, village, and hamlet, through the length and breadth of the State, have suffi-

ciently shown the sentiments of our people; and we fearlessly challenge for him the test of the general ballot to vindicate the whole country from this aspersion on its intelligence and its patriotism.

"In this crisis of our history, such is the man whom we propose for your suffrages, and such his qualifications to meet and fulfil its duties. The issue of his acceptance or rejection by the people is one which cannot be evaded, and all the vast consequences of welfare or misfortune to the country, which depend upon the decision, rest with each citizen, according to the measure of his influence over public opinion and public action. Let us then, fellow-citizens, so discharge our duty and our whole duty, to the country and to the whole country, that, in the result of the approaching contest, we may with honest pride join our voices in the general joy which will attend success.

These movements were aided by an impressive letter which had been written by Mr. Clay, from Ashland, in the month of October; for, although this letter in no way indicated any individual as Mr. Clay's choice for the presidency, its whole tendency was to inculcate the duty of adhering to the settlement which he and those who concurred with him had succeeded in effecting. It was drawn from Mr. Clay by an earnest invitation to come to the city of New York, and make a public address on the political condition of the country; an invitation with which the state of his health made it impossible for him to comply. But with an ability, which age and infirmity could not conquer, and with a patriotic fervor which they could not chill, he displayed to the people of the United States, without any reference to their party divisions, the actual questions before them. On his authority, therefore, it may be stated as history: 1. That, in the non-slaveholding States, there was but one of the Compromise Measures that was seriously assailed, but that on this one—the law relating to fugitives—an agitation was still kept up, which had provoked the people of many of the slaveholding States to declare, in public meetings, that their adherence to the Union depended upon the preservation of that law; and that its abandonment would be the signal of a dissolution of the Union. 2. That, in all of the Southern States, excepting three, there was a general acquiescence in the terms of the late settlement, and a firm attachment to the Union; but that in Georgia and Mississippi, although practical exercise of the alleged right of secession was for the time

renounced, its theoretical existence was still asserted; and that in a contingency which, said Mr. Clay, was neither remote nor impossible, there would be but a short step from the abstract assertion of the right to its actual exercise; while, in South Carolina, there was an open and avowed desire to quit the Union, and the people were divided only upon the question whether they should seek the coöperation of other States, or proceed by separate State action. 3. That the alternatives before the people of the United States were, either to prevent an attempt at secession by any one or more of the States, by treating the adjustment measures of the recent session of Congress as a final settlement of the slavery questions, or to encounter a civil war, in defence of the right of the General Government to put down the effort of any State to quit the Union.[1]

There was, therefore, a very clear duty incumbent upon the leading politicians of the Whig party, both in the North and in the South, if they wished either for party success, or, for what was more important, namely, the peace and security of the Union. This duty was, to present to the suffrages of the people of the United States a candidate who could be considered in himself, and in his political associations, and not merely because of his professed acceptance of a "platform," as a true representative of the great policy on which the safety of the Union was now to depend. But, in the North, many of the public men and some of the leading papers of the Whig party, down to the time of the assembling of the National Convention, continued to denounce the "Compromise Measures," and bitterly to ridicule the idea that the Union was, or had been, in any danger. This ridicule was especially directed against Mr. Webster.[2]

[1] There is extant no more powerful argument against the supposed right of "peaceable secession," and there is nowhere a clearer and firmer statement of the right and duty of the General Government to prevent the secession of a State by its military power, than are contained in this letter of Mr. Clay's, of October 3, 1851. It was read all over the Union, and it had great influence in producing the political result which occurred in the election of November, 1852, in which the Democratic candidate was successful, mainly because the Whig candidate was believed to be politically connected with the avowed opponents of the "Compromise." Mr. Clay's letter is specially important from the fact that in it he declared his conviction that the famous Virginia and Kentucky Resolutions of 1798–'99 "afford no color or countenance to the pretensions of secession." For the letter itself, I can only refer the reader to the newspapers of this period. A full copy of it is now before me.

[2] Mr. Webster had said, in a public discourse, which will be referred to hereafter:

But we must now turn from these affairs of domestic politics to observe the various and widely differing occupations with which the winter of 1851–'52 was filled. What Mr. Webster did, as a Senator and minister of State, from the commencement of the session of Congress, in December, 1851, to the month of May, 1852, when he made a visit to Marshfield, would be accounted as a great amount of intellectual labor in a much younger man. That which relates to the foreign concerns of the country is easily classified; but there were two exertions of this period which stand by themselves, in respect both to their character and to the amount and quality of intellect which they displayed. He was now, it must be remembered, at the age of seventy. When we look back upon his previous life, embracing a vast amount of both professional study and practice, when we look at the six volumes of his speeches, and remember that they contain by no means all that he has uttered at the bar, in the Senate, and in the popular assembly, when we recall the personal homage which was ever drawing upon his power to withstand excitement, when we add to all this an extensive and varied correspondence of business, of friendship, of public and private affairs—and when we consider that to his other functions he united those

"There are persons weak enough—foolish enough—to think, to believe, and to say, that, if the Constitution which holds these States together should be broken up, there would be found other new and better chains to bind them. This is rash! This is rash! I no more believe, looking at the thirty-one States which compose this Union, covering so vast a country—embracing so many climates, so many mountains, so many rivers—I no more believe, if this Union is dissolved, held together as it now is by the Constitution—that it can ever be reformed on any basis, than I believe that, if, by the fiat of Almighty power, the law of gravitation should be abolished, and the orbs which compose the universe should rush into illimitable space, jostling against each other, they could be brought back and readjusted into harmony by a new principle of attraction."

Thereupon, one of the principal Whig journals, in the city of New York, of a very great circulation, quoting this paragraph, denounced Mr. Webster as endeavoring to ride "the deadest of all by-gone hacks, a National Union party," and ridiculing his figure of the law of gravitation, it declared that, if the *present* Union were "shivered to-morrow, a new one would replace it within half a dozen years, and be at least *as* strong and efficient as the old one. But Mr. Webster must live very long to see any thing seriously like a peril to the Union. If women should ever be allowed to vote—as we trust they may be if they choose—it may be possible to frighten a few of the oldest with the spectre of dissolution, but not the great majority." It was such utterances as these which led the Whig party of 1852, when assembled in convention, to tamper with the great public policy involved in the "Compromise Measures," and which led vast numbers of men, after 1852, to shut their ears to all the warnings which the wisest and greatest statesmen of our country—such men as Mr. Webster and Mr. Clay—had given them; warnings that were addressed alike to both sections of the Union, for the purpose of admonishing them that a civil war must be the result of any serious departure from the policy of 1850.

of a practical agriculturist, whose concerns of his fields and herds were subjects of daily attention—while we may form some idea of the texture and volume of a brain that is known to have been one of the largest of which there is recorded knowledge, we must still wonder that its energy was not long ere this exhausted or impaired. But it was remarked of him, even when he appeared to make great exertions, that he seemed always to have a reserved fund of power, and that he had not, however great or exciting the demand upon him, put forth all his strength. I suppose that this continued to be true of him down to the time at which we are arrived; and although I regard it as unquestionable that his physical constitution was now much weakened, I consider it quite as certain that his intellectual resources, and his ability to use them, were as yet unchanged. I know not how else to account for the two performances which remain to be mentioned, and which belong to very different spheres of intellectual effort.

In the month of August, 1851, the New-York Historical Society, desiring to celebrate, in a becoming manner, the forty-seventh anniversary of their foundation, which was to occur in November, invited Mr. Webster to deliver an address upon the occasion. It was impossible for him to comply with this request at the time proposed, and his acceptance was postponed. But, in the latter part of November, he signified to the Society that he would at some convenient time make a discourse on "The Dignity of Historical Compositions." It was delivered in the city of New York, on the 24th of February, 1852.

The importance of this discourse consists in its conception of what history is, of its true character and form, and of what may be done in making it valuable. It is, perhaps, the only instance in which a statesman of great practical experience has undertaken to instruct historical writers in the canons of their art; and, regarded in this light, it is a most interesting essay, filled with a great richness of illustration, and leading to certain very important suggestions. The discourse begins with an explanation of what history is, in comparison with epic poetry, and of the sense in which Lord Bolingbroke's famous saying is true, that "History is philosophy teaching by exam-

ple." The limitations of this maxim are given by Mr. Webster with great precision. It proceeds, he says, upon the idea that the essential characteristics of human nature are the same everywhere, and in all ages. This has been found to be true; and, accordingly, so far as history presents the qualities and propensities of human nature, it does teach by example. But, then, he adds, the character of man so much varies from age to age, there is such a change of circumstances, so many new objects of desire and aversion arise, and so many new and powerful motives spring up, that, unless history is so written as to reduce the examples of the past to elementary principles in human nature, freed from the influence of temporary conditions, and applied to the new relations and impulses arising from the actual state of things, those examples of the past will be no sure indication of what the conduct of men will be when times and circumstances change. History, therefore, said Mr. Webster, is an example which may teach us the general principles of human nature, but does not instruct us greatly in its various possible developments. Thus, the history of the Grecian Republics, and the early history of Rome, present to us the love of liberty as a passion of intense force. That passion still exists, and is not less intense; but the forms and institutions through which it acts are changed. The love of liberty among the Greeks was the same general principle of human nature as that which today animates the people of America; but the history of Grecian liberty does not teach us how to attain that which we have come to regard as essential, a fixed fundamental law imposing limitations and restraints equally on governments and the governed.

The discourse next proceeds to state another of the true purposes of history, and it shows, by an exhaustive criticism, the imperfections, in this respect, of all the best masters, both in ancient and in modern historical compositions. History, Mr. Webster always maintained, is not adequately written, unless it illustrates the general progress of society in knowledge and the arts, and the changes of manners and pursuits. The greatest masters of history, while they recite public transactions, omit, in a large degree, what belongs to the civil, social, and domestic progress of men and nations. There is not, he said, a good civil history of Rome, nor any account of the manners

and habits of the Romans in social and domestic life, such as may inform us of the progress of her citizens, from the foundation of the city to the times of Livy and Sallust. What we know of the private pursuits and vices of the Roman people at the commencement of the Empire, we obtain chiefly from the rebukes of Sallust and the satires of Juvenal. So, also, what we know of manners and social life among the Greeks, is derived mainly from their theatre; but the Roman theatre, instead of imitating the example of the Greeks, by putting their own manners upon the stage, transferred to their dramas foreign characters, and presented Grecian rather than Roman life. How much wiser, he said, was Shakespeare, who presented English manners and English history!

Mr. Webster then gave full credit to what the labors of Niebuhr, Becker, Arnold, and Merivale, had then accomplished, in furnishing materials for a social history of the Greeks or the Romans. But his conception of what remained to be done, in this respect, was of a history in which we may not only see the Roman consul and the Roman general, the *comitia* and the forum, but also Roman hearths and altars, the Roman matron at the head of her household, Roman children in their schools, and the whole of Roman life presented to our view, so far as the materials now existing in separate and special works can afford the means.

Noticing the same defect in our English histories, although acknowledging our great obligations to Sharon Turner, to Lingard, and, above all, to Mr. Hallam, and not omitting to refer to Macaulay, whose work was then in progress, and to the authors of the "Pictorial History of England," he said that there was still wanting a full, thorough, and domestic history of our English ancestors, tracing the progress of social life in the intercourse of man with man, the advance of arts, the various changes in habits and occupations, and those improvements in domestic life which have meliorated the circumstances of men in the lapse of ages, as well as the modes of tillage and cultivation of the soil, from the time of the Norman conquest down, and the advancement of manufactures from their inception. He then proceeded to point out two sources of information on these subjects, on which he was often accustomed to speak in private

conversation, and in respect to which he had a theory that he often enlarged upon. These were the statutes and the reports of proceedings in courts of justice, which he said are overflowing fountains of knowledge respecting the progress of society from feudalism until we reach "the full splendor of the commercial age."

Another branch of this discourse was devoted to a literary analysis of history as an art, as exhibited in the great writers of antiquity, making a critical discrimination between the merits of Herodotus and Thucydides, and, among the Latins, giving the highest place to Sallust, whose writings, I think, were more constantly read by Mr. Webster, as they were certainly more often quoted by him, than those of any of the Roman historians.

He then passed to our American history, in regard to which he laid down the canon that its proper treatment requires its division into three distinct epochs. The first, he said, should extend from the settlement of the country, by separate communities and governments, to the year 1774, when the Revolution commences. The characteristic features to be developed, in regard to this epoch, are the differences of laws and institutions, and the separate political existence, although all the communities had a common origin, a strong family resemblance, and more or less reference to the constitution and common law of the parent country, with the principle of popular representation carried much further, and more completely developed, preparing the way for the establishment of national institutions and the exercise of sovereign powers. The second epoch is that which extends from 1774, when the colonies first acted together as a confederacy, to the year 1789, when the Constitution of the United States was established. The third epoch embraces the period from 1789 to the present time; but, in order to avoid dealing with events too recent, this period may be considered as closing with the Administration of Washington, but going back far enough into the second to trace the events and occurrences which showed the necessity for a General Government different from that of the articles of Confederation. The discourse closes with some glowing descriptions of these several periods, and with a fervent invocation to pres-

ent and future generations to preserve the institutions which had been prepared for them through a series of events manifestly leading, under Providence, to a defined form of national liberty, and fixed conditions of national happiness and prosperity.

This discourse on the true character of history is to be judged, not as the production of a man of letters, but as the production of a statesman, whose literary resources were quite sufficient to justify him in giving public expression to his own conceptions of this art, measured and illustrated by what had or had not been done by its great writers. Of the mere learning embraced in it, it is enough to say that few scholars will question its accuracy, so far as Mr. Webster had occasion to use learning in the exhibition and treatment of the topic before him. He wrote jocularly to a friend, while he was preparing this discourse, "If I make a poor figure in this intended address, no matter; everybody knows that I know nothing but law and politics;" but everybody saw that, when he chose to turn aside from politics and jurisprudence, and to explore the fields of literature, he could do so with the same exactness, and with the same power of deducing principles of art and criticism from the materials appropriate to the subject, with which he could draw a rule of law or a course of public policy from the materials on which a jurist or a statesman is called to act.

The discourse before the New-York Historical Society was immediately succeeded by a professional engagement in New Jersey, in which Mr. Webster had to discuss, upon a great mass of evidence, the question of the original invention of that remarkable substance which is known in the arts as *vulcanized india-rubber*. It is one of the singular proofs of his recognized power of labor, and of his willingness to exert it, that litigants should have been anxious to secure his services in causes that involved the most patient and minute investigation of testimony, and the settlement of important questions of fact. Parties interested in such controversies were very well aware that, in some mode, Mr. Webster, if he accepted such an engagement, would possess himself of the means of dealing with the subject in a manner that would give his clients the full benefit of his great powers of argumentation. He had an extraordinary faculty for

extracting from those who had studied such a subject, the information needful for the purposes of the discussion, and of then bringing to bear upon it his own methods of illustration and reasoning. On this occasion, having to analyze an extraordinary amount of printed testimony, he availed himself of the services and instruction of his associates in the cause,[1] going through with them, step by step, the whole of the historical and scientific parts of the controversy. He then cast the materials into an argument, which established the rights of his client, and which remains one of the most remarkable and interesting of his forensic efforts. There is a striking sketch of him, at this time, by his professional opponent in the cause—his friend Mr. Choate—contained in the eulogy delivered by him at Dartmouth College:

"The professional life of Mr. Webster began in the spring of 1805. It may not be said to have ended until he died; but I do not know that it happened to him to appear in court, for the trial of a cause, after his argument of the Goodyear patent for improvements in the preparation of india-rubber, in Trenton, in March, 1852.

"There I saw and last heard him. The thirty-four years which had elapsed since, a member of this college, at home for health, I first saw and heard him, in the Supreme Court of Massachusetts, in the county of Essex, defending Jackman, accused of the robbery of Goodrich, had, in almost all things, changed him. The raven hair, the vigorous, full frame, and firm tread, the eminent but severe beauty of the countenance, not yet sealed with the middle age of man; the exuberant demonstration of all sorts of power, which so marked him at first—for these, as once they were, I explored in vain. Yet how far higher was the interest that attended him now: his sixty-nine years robed, as it were, with honor and with love, with associations of great service done to the State, and of great fame gathered and safe; and then the perfect mastery of the cause in its legal and scientific principles, and in all its facts; the admirable clearness and order in which his propositions were advanced successively; the power, the occasional high ethical tone, the appropriate eloquence, by which they were made probable and persuasive to the judicial reason, these announced the leader of the American bar, with every faculty and every accomplishment by which he had won that proud title, wholly unimpaired.

[1] The late Mr. James T. Brady and Mr. Edward N. Dickerson. One of these gentlemen was a little annoyed by the efforts of a person, who had some relation to the cause, to instruct the counsel with his views of it; and, without expecting to be taken literally, he advised Mr. ——— to make his suggestions to Mr. Webster. Thereupon Mr. ——— repaired to Mr. Webster's room, and spent the greater part of an evening in unfolding his views of the case. On the following morning, Mr. Webster met his associate in the breakfast-room, and said

The relations with England, in regard to Central American affairs, had remained in suspense since the departure of Sir Henry Bulwer. Mr. Webster was now very anxious either to have that minister return, or that his place should be filled by the appointment of a successor with full powers. The following letters relate to the necessity for filling the English mission, which was finally, at Mr. Webster's suggestion, given to Mr. Crampton :[1]

[MR. LAWRENCE TO MR. WEBSTER.]

(*Private and confidential.*)

"LONDON, *January* 2, 1852.

"MY DEAR SIR : . . . I had an interview with Lord John Russell, at Richmond, day before yesterday, where his lordship has been confined to his house with a severe cold. On that occasion, I mentioned the importance of sending a minister to Washington, with power to bring our long-pending affairs in Central America to a settlement, pointing out to his lordship the trouble that might be brought upon both the United States and Great Britain by further delay. Lord John wrote to Lord Granville on the same day, and I was requested by the latter to recall himself to your recollection (believing that you had probably forgotten him), and to say that a minister should be appointed, and sent to Washington at a very early day. Sir Henry Bulwer will be pressed hard to return to the United States; he wishes, however, if possible, to remain in Europe. I think, now, if there can be found any organized government in Nicaragua, that you will be able to bring those unsettled points to a conclusion. I am satisfied that there has never been a time when this Government entertained so strong a desire to settle all pending questions with us as at this moment.

"We have rumors of more changes in the Cabinet, with what truth I know not, with the exception of Lord Lansdowne, who, I know, desires to retire.

"At this point of my writing, Sir Henry Bulwer called to say that he had been very much pressed yesterday and to-day to proceed to Washington at once; and that his physical condition was such that he did not feel that he could cross the ocean at this season of the year; that he was now on his way to Lord Granville, to propose drawing up various proposals of settlement of the most liberal character, and of submitting them

to him, "My young friend, did you send Mr. ——— to me last evening?" "Yes, sir, to be honest about it, I did; but I did not believe he would go." "Ah," replied Mr. Webster, with a smile, "you appear to think that I am the residuary legatee of every man's nonsense."

[1] In the latter part of December, 1851, a change of ministry occurred in England, and Lord Granville became Secretary for Foreign Affairs, under Lord John Russell, as premier. It was to this ministry that Mr. Webster's suggestion was made.

to you, that you might comment upon them, suggest such alterations as you think proper, and return to this Government any one of the proposals that you approve. I give you this as Sir Henry gave it to me, stating that I could not recommend any other course than that of sending a minister. Yet, if the Government were willing to send to you a proposal of a very liberal character, I had no doubt you would give it every consideration. The truth is, I think this Government is becoming tired of continuing the protectorate, and will abandon it, if any mode can be adopted to save what they term here their national honor. Sir Henry says, if you answer at once that he must come to you, he will go. I think Lord Granville, when the proposal is made by Sir Henry, will probably insist upon his going.

"I am, dear sir, most sincerely yours,

"Abbott Lawrence."

[Sir Henry Bulwer to Mr. Webster.]

(*Private.*)

"London, *January* 1, 1852.

"My dear Mr. Webster: I think it may be satisfactory to you to hear from me at this time. The wish and intention of our Government are that all affairs, and especially Central American affairs, should be settled satisfactorily with *you;* and they wish me to go out to Washington for that purpose. I object, partly on account of my health, partly because I don't see my way, and also think I can be as useful here. But what I wish you in confidence to tell me is:

"1. Whether any minister from Nicaragua is at Washington; and, if so, whether he is a reasonable fellow, and has the power to do what is reasonable. 2. Whether, if this is not the case, your Government and ours can come to an understanding ourselves, without Nicaragua, and that you will thus treat the affair? 3. Whether there is any plan you would like or propose for Greytown and the general Mosquito question, which can be at all honorable for us to adopt, and which would yet satisfy you? And 4. Whether, if we agreed to such a plan, the matter could be struck off at once?

"With the warmest wishes for your health, and the kindest remembrances on my part and Lady Bulwer's to Mrs. Webster,

"I am, ever, my dear sir, yours, most sincerely,

"H. L. Bulwer."

[Mr. Lawrence to Mr. Webster.]

(*Private.*)

"Legation of the United States, London, *January* 14, 1852.

"My dear Sir: I wrote to you last week that Sir Henry Bulwer would return to Washington. This information was communicated to me

by Lord Granville, since which the same authority has informed me that Sir Henry wished very much to be excused, and that some other person would probably be appointed.

"This morning I received your *private* letter of the 26th of December, in which you again urge the importance of having a minister in Washington, with full power to adjust the Central American controversy, and also your favorable opinion of Mr. Crampton for that mission. I had before given my opinion of Mr. Crampton, when asked respecting his qualifications for that place, which was in full accordance with that you have expressed.

"I noticed a Cabinet Council was to be held to-day, and believing this question of the appointment of a minister would come up for consideration, I at once called upon Lord Granville, and communicated the contents of your letter. His lordship informed me that he hoped to communicate to me the result of the matter to-morrow or next day. If a selection has not been made, I think your testimony in favor of Mr. Crampton will give to him the appointment; and I am quite sure he will be more acceptable to you than a new and untried man.

"You will receive by this mail Lord Granville's note upon the affair of the Prometheus (which I think should satisfy all parties), with my acknowledgment of the receipt of it.

"I hope my correspondence upon the subject will be satisfactory to the President.

"I am, dear sir, most faithfully your obedient servant,

"ABBOTT LAWRENCE."

[SIR HENRY BULWER TO MR. WEBSTER.]

(*Private.*)

"LONDON, *January* 23, 1852.

"MY DEAR MR. WEBSTER: It has been at last decided, and I think wisely, that Crampton shall be my successor at Washington. His knowledge of the country, his acquaintance with you, and his general ability, alike justify the choice. The instructions sent to him are friendly in the extreme; and I can see no difficulty in his arranging amicably with you whatever differences we have yet to settle.

"Had there appeared any peril to the friendly relations between our two countries, I would not have hesitated a moment at crossing the Atlantic to set them right, but this not appearing to me the case, the state of my health, the season of the year, and the condition of things at home, were all against the voyage; and I thought I could be as useful here, in aiding Lord Granville in the instructions given to Crampton, as in fulfilling them at Washington.

"I don't, however, I can't, abandon all hope of our yet again meeting somewhere or somehow. Of this rest assurred, my great respect and warm regard will attend you ever; and while I always cherish for your country

the most grateful recollections, I still look back with constant pride and pleasure at our social and political intercourse. May God prosper all your efforts and all your wishes; and believe that no one can say this more heartily than

"Yours most sincerely and truly,

"H. L. Bulwer.

"P. S.—Lady Bulwer joins me in kind remembrance to Mrs. Webster, and may I also ask to be kindly remembered to Mr. and Mrs. Curtis.

[Mr. Webster to Sir Henry Bulwer.]

"Washington, *February* 10, 1852.

"My dear Sir Henry: I have received your several very kind private notes, the last dated January 23d. I exceedingly regret, my dear sir—none can so much regret—that you are not to return to us. I highly respect your public character and conduct; and not that only, but I need hardly add, that I entertain for you the warmest personal friendship and esteem. I count it one of the rewards, for my labor in this department, that I have been able to form and cultivate your acquaintance. The news is that you will go to 'sunny Italy.' I am sure that it will be quite agreeable to you, and, on that account, feel bound the less to lament that I may not see you again soon. God bless and prosper you and yours, wherever you may be! I am glad Crampton is to be your successor. We like him here. I prefer to treat with him rather than with an untried person. We shall go to work at once upon Nicaragua.

"We think that her Majesty's Government has behaved with great honor and justice in the affair of the Prometheus. I first saw Lord Granville when and where I first saw you—that is to say, in Paris, in 1839.

"If you please, you may remind him of it; and tender him my personal regard and good wishes. Mrs. Webster and myself send our very kindest remembrances to Lady Bulwer; and Mrs. Webster adds: 'Not withholding any portion thereof from her ladyship's husband.' Mr. and Mrs. Curtis will be highly pleased to hear from you so friendly a note of remembrance. Once more, my dear sir, I assure you that my friendship and good wishes will attend you ever.

"Yours faithfully,

"D. W."

There are two speeches made by Mr. Webster during the spring of this year, which are now seldom referred to, but which ought to find their place in a connected narrative of the exertions he was at this time making to perpetuate the feeling toward the Union that he had done so much to create. They were made at Harrisburg and at Annapolis. At Harrisburg,

on the 1st of April, where he had been invited to address the members of the Legislature, he said:

"I should be insensible indeed to the highest rewards of public service, if I did not appreciate the terms of commendation in which it has pleased the Governor to distinguish me, and the warm and cordial manner in which, in your kindness, you have received me on this passing visit, which I happened to have it in my power to make. Let me say that nothing could be more just than what his Excellency the Governor has said respecting the general, national, large, and comprehensive political character of the Commonwealth of Pennsylvania. She has been called, not without strong claims to the title, the keystone State of the arch of the Union. She is vast in extent, abundant in wealth and resources, and remarkable for the industry of her citizens. Her rivers on the east connect her with the Atlantic, her rivers on the west connect her with the Mississippi and the Gulf of Mexico; above all, she has resources in mineral riches beneath her soil that entitle her to a position beyond that of any other of her sister States. She has improved her advantages with diligent industry; and, while seeking virtues to render herself respectable in the eyes of the nation, and to fulfil her part in our country, it is true that she has been governed by local prejudices, local attachments, and by narrow feeling as little as any State in the Union. She is central in position, she is on the line which divides the two portions of the country, separated by local interests, one from another, and she is disposed always to do her duty to both.

"I admire Pennsylvania for the moderation and firmness, the good sense and patriotism which have animated her in the discharge of her obligations in view of the questions so well calculated to disturb the general political harmony. Your Governor has done me more than justice in what he has said of my public services. It is a long time since I entered public life, quite too long for myself, and perhaps for my family; but I assert for myself one merit only, and of that I may be proud, as it attaches me to the great State of Pennsylvania, and it is the merit of embracing the country, and the whole country, in what I have said or done in one public station or another, in my general political career, in the dispositions of Providence. Pennsylvania, indeed, could not have been an insignificant State under any circumstances, if she had remained great in her resources, in her soil, and in her people; and everybody would have looked upon her with respect. What, after all, would have been the State of Pennsylvania if detached and isolated from the other States of the Union, compared with your Pennsylvania as you now behold her? What would she have been with her mineral treasures, with no power to develop them, without any protection from the national flag that carries them in pride and triumph to the ends of the earth? It was that comprehensive course of politics which rejects local ideas and a narrow view of political principles, which has enabled this whole people to speak of the country as

their country, and has made the State of Pennsylvania what she now is, and what, I hope, she may long continue to be, as I before said, the key-stone of the arch of the Union. If it had happened to me to have been before this assemblage, in this place, one year ago to-day, on the 1st of last April, I should have met you with a far less gladsome heart than I now do; for it is not to be denied that occurrences of great import have taken place within that last year; that measures were adopted, by the general concurrence of men of all parties, calculated to adjust local differences, and settle the agitating questions of the country.

"It is time that we should feel kindly one toward another—feel that we are one people, have one interest, one character, one liberty, and one destiny. I bore an humble but honest part in the procurement of the adjustment, established by the last Congress; if not every thing all could wish, it is as much as any one could rationally hope. I trust to your own perception to see the great degree of cheerfulness prevailing in society around you, and the general progress of all interests under the industry of your people; and I ask whether I do not meet you under better auspices —happier auspices for you—for united liberty and for the established fraternization among governments of the same republican faith, than I would have a year since? It is not my purpose, and I do not wish to weary you by discussing any political question. This is an age of discussion, and we are a people of discussion; but all I know has been said so often, that I am afraid to repeat it; but I have come here, first, to be present in person to repeat what I have endeavored to do by letter—my profound acknowledgments to the Legislature for the kind manner in which you were pleased to take notice of a recent act of my official life.[1] It is a compliment, the remembrance of which I shall carry with me to the grave. It has appeared, and does appear, that the time has come, in the progress of affairs, in view of the growth of the country, its vastly increased population, and highly elevated improvement, when we, the descendants of those who achieved independence, and established the Constitution of this country, are bound to speak out to the whole world of mankind, and bear testimony to the cause of popular Republican Government. Let other Governments do as they will, it is not our duty to traverse the earth, and make proselytes. Our business is to proselyte by our example, to convert man to republicanism by showing what republicanism can do in promoting the true ends of government. By this we can do more than a thousand emissaries, more than ten thousand Peter the Hermits.

"We will place in the political firmament a sun—high, glowing, cheering—the warming influence of which all will feel, and know our destiny is great; and any man falling short of its full comprehension is not fit to conduct the affairs of this Government. Our situation is peculiar. 'Our situation is peculiar.' We are remote from our adversaries; and, if we were not,

[1] The Hülsemann Letter; for which sylvania were sent to him in a formal the thanks of the Legislature of Penn- manner.

we have power, thank God, to defend ourselves. And while enjoying the benefits, and seeing and knowing the glorious results of our political system, are we afraid to compare it with any in the world? Afraid to compare the security of property, industry, and reputation, as witnessed in the United States, indeed, the several States, with their preservation under any other government of the earth! Revolutions cannot shock us. We have no dynasties to overturn, and we have none to erect in their stead. But the great, broad, general, beneficent current of usefulness and virtue flows by us like your noble stream, until it mingles with the mighty ocean. I look no further. I do not contemplate what might happen to Pennsylvania when separated from her neighbors. She may stand alone, nor will it be forced upon her, except by the reality of fact. I look forward to a long existence of general prosperity and of republican liberty. For myself, I believe that ages and ages hence these United States will be free and republican, still making constant progress in general confidence, respect, and prosperity. It will be to me the greatest solace of my life to be able to say, when my career on earth may end, that I have done something, though little, toward preserving the glorious Constitution of my country."

The speech at Annapolis was made at a public entertainment. In response to the toast—

"Daniel Webster: Maryland shows her attachment to the Union by honoring its able defender"—

Mr. WEBSTER rose and said: "MR. PRESIDENT and GENTLEMEN: I beg leave to assure you that I esteem most highly this testimony of respect. I find myself in the political capital of the loyal Union State of Maryland. I find myself at a table at which many of the most distinguished men of that State, and of all parties and descriptions of politics, are assembled; and it is on that account that I regard this as a particular and striking memorial of respect and honor to myself. But, gentlemen, I am nothing. It is the cause that is every thing. You are pleased to honor me only because I support, so far as my ability will allow, that cause which is so dear to us all—so dear to all good men in the country. It is the cause of Union. It is the cause of the preservation of the States. It is the cause of the maintaining of all those political associations and principles which have made the United States what they are.

"It is not for me to argue the value of the Union in this company. I came here rather to be refreshed and edified by what I have heard of the proceedings of this convention already.

"Its resolutions of the 10th of December are to me an expression so powerful, so authentic, and so conclusive upon the judgment of Maryland, that I read them at first, and read them since, and read them now, with undiminished delight. Why, gentlemen, I should no more think of arguing the question of the importance of the Union in this assembly than I should of going back to argue the propriety of the Declaration of Inde

pendence, or to argue the expediency and the glory of having adopted the Constitution under which we live, or of arguing the utility and honor and renown of Washington's Administration. Who doubts all these things here? I am sure not one. I come then, gentlemen, as a learner, not as a teacher; I come to partake of the sentiments that fill all your hearts; I come to be edified and instructed by those noble and patriotic expositions which have been made in this convention, formed, as I have said, of distinguished men of all parties, coming together with a unanimous sentiment of affirming their opinions in favor of the Union, and whatsoever tends to strengthen that Union, by a unanimity which cannot fail to be regarded. Allow me to say, gentlemen, that your resolutions of the 10th of December will reach to the extreme North, the extreme South, and the extreme West; and everybody will say that, amid all the vagaries which may prevail elsewhere, this respectable, eminent, and distinguished State, the central State of Maryland, is Union to the backbone, and thoroughly.

"There are considerations, there are recollections, which naturally influence the mind of man. I have passed around to-day among scenes that were visited in old times by Washington. I have been in the room where he performed the crowning act of his military life, the resignation of his commission. I remember that he said, on that occasion: 'Having performed the work assigned me, I now ask the indulgence of my country to retire from public service.' Gentlemen, Washington, with all his sagacity, did not comprehend his own destiny. He did not see the long track of influences which was to follow his Revolutionary character; nay, nor when, many years afterward, he retired from the civil administration of the country, did he then cease to exercise an influence on the public concerns and sentiments of the country, and he never will cease. He said: 'Having performed the work assigned me, I retire from public service.' He has never yet performed the work assigned him, and he never will until the end of time, because, gentlemen, that great and glorious work still remaining will ever uphold his precepts, his exhortations, and his example—the importance and the value of this Union of the States. In that respect he works now, and will work ever, so long as his memory shall not be effaced from the records of mankind. I think I hear him say to-day, in the language which he expressed when he sent the present Constitution of the United States to Congress: 'Our great concern has been so to manage all our deliberations, and come to such a result, as shall strengthen that Union which makes us one people.' I hear him say that to-day; and I hear him say to-day, in the words of his Farewell Address: 'Be cautious of all those who, under any pretence whatever, admonish you that you can be happy under a dissolution of the Union.' Every exhortation, every admonition, every sentiment that proceeded from him rings in these times constantly in my ears. Nay, I think I hear him say now, in the abode of the blessed, that, if it were permitted to him, he would revisit the earth, and would be reclothed with the bones and the flesh which are mouldering at Mount Vernon; and he would appear to his countrymen at the head of armies, or

as he appeared to the country in the course of his most glorious administration of this Government, and conjure and abjure them, by every consideration that ought to have weight with men: 'Hold on fast by that Constitution, which is the only security for the liberty which cost me and my associates a seven years' war of fire and blood.'

"Gentlemen, forgive me. When I think, in these times, that there are many that are apparently disposed to undervalue the maxims and the character of Washington, I confess I find myself borne away, often beyond the power of self-restraint; I fear sometimes beyond the limits of propriety. Our country consists in its liberty; our country next consists in its institutions of constitutional law; and, blessed be God, our country, America, consists next in the great example of those who have gone before us, and have left that example. We are not Americans if we resist the examples of our predecessors, any more than if we trample upon the Constitution—the work of their hands. If we have real American hearts in our bosoms, every thing they said, and every thing they did, to honor and ennoble their country, impresses us with sentiments of profound respect and regard.

"Gentlemen, will you allow me to interrupt the course of the few remarks which I had to make to you to-night, by proposing to you, out of the fulness of my heart, 'The Glorious and Immortal Memory of George Washington.'" (The toast was drunk standing, and in silence.)

Mr. Webster resumed: "Mr. President and gentlemen: In the lapse of years, and in the rising of one generation after another, it may very possibly happen, and we are sure that it does happen, and has happened, that the exact principles of the union of these States are not always properly conceived. It may not be amiss, therefore—though I do not propose to entertain this company by discourse upon commonplaces—it may not be amiss to recur now to what I conceive to be the original principles upon which these colonies were united, the objects for which they were united, and the limitation upon these objects. These thirteen colonies, all of English origin, were settled on this continent at different times, and under different circumstances. They had differences of religious opinions. They established differences of local law and administration. They were, some of them, quite remote from one another; but they were all subject to the Crown of England. And when, in the course of events, they all thought, and thought truly, they had just cause of complaint against the tyranny of England, their object was to unite in a common cause against a common enemy. How unite? For what purposes unite? For what ends unite? Why, it never entered into their conceptions that they were to consolidate themselves into one Government; that they were to cease to be Maryland and Virginia, Massachusetts and Carolina! Not at all. But they were to unite for those great purposes which should enable them to make a stand against the tyranny of the English Government. They were to come to an agreement upon things necessary for that purpose, and nothing else. The objects of common defence, and the general welfare,

and afterward the objects connected with commerce and revenue, which were important to all, were all they adopted as principles and objects of union and association, nothing beyond that.

"As I have said, they had differences of religious opinions. Maryland, your Maryland, was settled as a Catholic country, always tolerant, always liberal, persecuting nobody. Virginia was rather inclined to the religious notions of the Episcopal Church of England. My countrymen at the North were not only Protestants, but dissenters. They were of the school of Cromwell and Sir Henry Vane. But what of that? When all these colonies came together for the general purpose of defence against a common enemy, what did they do? Did they seek to merge and confound and consolidate all these States into one great community? No such thing. They meant to unite upon those objects which were necessary for the common defence; and they meant to leave every thing else in the control of the States, to do just as they thought proper. That was a day of liberality and justice. It was a day in which religious opinions produced no effect upon the general sentiments of the country, in regard to the association of all the States, for general defence. Why, sir, did anybody at the North, did any Protestant descendant of Cromwell, or any descendant of Henry Vane, whoever he was, feel any less confidence in the integrity and virtue and patriotism of Charles Carroll, because he was a Catholic? Not at all; nor did Maryland hesitate to accord the meed of patriotism to the Adamses, to Alexander Hamilton, to Mr. King, or whoever else belonged to the North, because they were of different sentiments in religion. Their association was political. It was founded upon general policy and union, a sort of confederacy, at that time, to resist the common enemy, and do whatsoever was necessary for the common good. Gentlemen, I hope, for one, never to see the original idea departed from.

"Now we come to other propositions. There were differences of laws. The Southern States, without their own fault, by a course of events for which they were not responsible, had slavery established among them. Did not all the North know that? Did not they deal with them upon that basis? Did not they recognize that state of things? Entirely, entirely. That was a matter of local legislation, of State right and State administration, with which the North, at that time, had not the slightest inclination to interfere in any respect whatever; and they ought not to have had, because it was one of those things that did not enter into the original scope of that political association which the colonies meant to form.

"Gentlemen, I concur in the sentiments expressed by you all—and I thank God they were expressed by you all—in the resolutions passed here on the 10th of December. You say that the Constitution of the United States has accomplished all the objects, civil and political, which the most sanguine of its framers and friends anticipated; and that the affections of the people of Maryland are justly riveted to its principles by the memory of the characters of the wise and good men who framed it,

as well as by the blessings they liberally bestow throughout the world. That is my sentiment. My heart is in it.

"I live and breathe; I walk and sleep—I had almost said I pray to God daily—in the sentiment of that resolution. Now you go on to assert a sentiment equally just. You say that a proper appreciation of these blessings would lead every State in the Union to adopt all such measures as may from time to time be necessary to give complete and full effect to any provision of the Constitution, or the laws pursuant thereto, intended for the protection of any part of this great common country. True; every word true. And, allow me to say, that any State North or South, which departs one iota from the sentiment of that resolution, is disloyal to this Union.

"Further, so far as any act of that sort has been committed, such a State has no portion of my regard. I do not sympathize with it. I rebuke it wherever I speak, and on all occasions where it is proper for me to express my sentiments. If there are States—and I am afraid there are—which have sought by ingenious contrivances of State Legislatures to thwart the fair exercise and fulfilment of the laws of Congress, passed to carry into effect the compacts of the Constitution, that State, so far, is entitled to no regard from me.

"At the North, there have been certainly some intimations in certain States of such a policy. At the South, another danger seems to have arisen; and it is a subject of very serious lamentation to me. It would seem that there is a disposition in some quarters to secede from the Union of these States. 'Secede!'—a word of ominous import. Secede from what? Secede from this Government which has carried the country to such a pitch of glory in sixty or seventy years! To secede from all the honor and renown which it has accomplished? And to secede where? Wherever there is a *terminus a quo* there is a *terminus ad quem*. Where are they going? Whoever entertains such sentiments I regard with a spirit of commiseration; I think it is a malady of the mind. I think that their feelings have become entirely diseased. I think that they know not what they do. And yet, gentlemen, I do not think it the part of prudence to criminate, or taunt, or to provoke. Leave them to their own consideration. Let them drink in secession many days, and inwardly digest it. And, so far as I have any voice in the councils of the country, this meditation of theirs shall never be disturbed; not a breath shall ruffle their sensibility *until it comes to a point where something is done that amounts to an actual conflict with the Constitution.*

"It is painful when we reflect that a State so highly distinguished—so full of high spirits and cavaliers, a State which took such an active part in the Revolution, and which took such an active part in the early administration of the Government, which has produced so many men who have honored the country and honored themselves in the public service—it is painful, I say, and humiliating to consider that their successors, the present generation, seem willing to forget the whole glories of their country,

to take one stripe and one star, and go out of the Union with it. A returning sense of patriotism and prosperity will check them. I do not know what might happen if there had been a more general spirit of disunion. I cannot persuade myself that honest and honorable men, ingenuous men, young men who wish to live for glory and renown and character, will ever leave that Union which their fathers established, that Constitution which has made their State, like all the other States, what it is, when they come to sober moments of candid reflection.

"I hope that, while we maintain, as the State of Maryland has maintained, fixed and determined sentiments in favor of the Constitution, we will hold no parley—and I hold no parley—with anybody who would impeach it in the slightest degree. While we maintain the necessity of establishing and sustaining those laws of adjustment which were passed by the last Congress, to settle the country, while we hold on to them with firmness and decision, I hope, nevertheless, we shall take a course not to provoke, or taunt, or insult those who feel any difference of sentiments. I hold the importance of maintaining these measures to be of the highest character and nature, every one of them, out and out, and through and through. I have no confidence in anybody who seeks to repeal, or anybody who wishes to alter or modify these constitutional provisions. There they are. Many of these great measures are irrepealable. The settlement with Texas is as irrepealable as the admission of California. Other important objects of legislation, if not in themselves in the nature of grants, and therefore not so irrepealable, are just as important; and we are to hear no parleying upon it. We are to listen to no modification or qualification. They were passed in conformity with the provisions of the Constitution; and they must be performed and abided by in whatever event, and at whatever cost.

"His Excellency the Governor of Maryland was pleased to allude to me as one who had run some risks among his own people for the good of the country. What would I have been good for if I had not been willing to do it? I do not consider myself born to a great destiny, but born to *one* destiny, and that is to uphold with mind and heart and hand the Constitution of this country. If this prophecy may fail, my attachment to the Constitution of the land will never fail so long as I have breath.

"Now, gentlemen, allow me to say that, in looking over, this morning, the annals of your beautiful city of Annapolis, I find what I should expect to find, that, when the definitive treaty of peace was proclaimed here, in February, 1783, it was ordained to be a day of general thanksgiving. It was celebrated; and, according to the good fashions of Maryland, there was a dinner and a ball. Among the toasts on that occasion, the first having taken notice of the great blessing of the restoration of peace, I find that the second was, 'The United States; may their confederacy endure forever!' That confederacy has been changed into a more beneficial form of Government. It has become a Constitution better calculated to secure the rights of us all. But I echo the sentiment of Annapolis, and I say, in

different words, though in the same sense, 'The Constitution of the United States, may it endure forever!'"

In the first week of May Mr. Webster made a visit to Marshfield, and, while there, he met with an accident by which his life was, for the moment, in great peril. It gave his physical system a shock which may have had some influence in developing the internal disorders of the following summer and autumn. There are two accounts of this accident—one by himself and one by his secretary, Mr. Lanman, who was thrown from the carriage at the same time, but who, being a young and active man, escaped unhurt. Mr. Webster's narrative was dictated the next day in a letter to the President:

[TO THE PRESIDENT.]

"MARSHFIELD, Sunday Morning, *May* 9, 1852.

"MY DEAR SIR: You will have heard of my accident yesterday morning, in falling from a carriage. The day was very fine, and I set out to make a visit to Plymouth, ten or twelve miles distant, with Mr. Lanman, my clerk. We were in a large buggy, or, more properly, an old-fashioned phaeton, of course open in front, and with two horses. About nine miles from home, the king-bolt or transom-bolt, as I believe they call it (which, from the fore-part of the carriage, goes down through the perch into the forward axle-tree, and so connects the fore-wheels with the hind-wheels), broke, and the body of the carriage, of course, fell to the ground, and threw us both out, headlong, with some violence. Fortunately, however, we were ascending a hill, and going slowly; had it been otherwise, we could hardly have escaped with our lives. In falling, I threw my hands forward to protect my head from the ground, and this brought the whole weight of the body upon the hands and arms, turning back the hands, and very much spraining the wrists. The shock of the whole system was very great. My head hit the ground, though very lightly, and with no injury except a little scratching of the forehead upon the gravel. Nor was there any internal injury. It was thought, at first, that no bone was injured in any degree, but I think now that one of the bones of the wrist on the left hand was slightly fractured, but not so as to be dislocated or put out of place. It may probably make the wrist stiff for some time. We got another carriage, and came home as soon as I felt well enough, foreseeing that my bruised limbs would be more swollen and painful to-day than they then were. In point of fact, the pain, though very severe last night, has abated this morning, but the swelling has not. I cannot use my hands at all, and am quite afraid it will be several days before I shall be able to leave my room.

"A similar accident happened to me more than twenty years ago, and

from that time I have generally been quite careful to avoid the like occurrence by the use of a chain, or some other contrivance, to supply the place of the bolt, temporarily, in case the bolt should break. With the exception of that used yesterday, there is not a carriage on our premises, great or small, double or single, which has not this security; but the unlucky carriage of yesterday was not built originally for my use, and I had omitted to see to this important particular. It is quite a mercy that the consequences of the fall were not more serious. I had hardly left the village where it happened before I heard that Mr. Webster had broken his thigh, and that the fall had deprived him of his senses, etc., which induced me to cause telegraphic messages to be sent in various directions.

"I shall, of course, my dear sir, keep you advised of the progress of things.

"Yours always truly,

"Dan'l Webster.

"By Charles Lanman."

Mr. Lanman's account, which was recently written for this work, is as follows:

"I was with Mr. Webster when he was thrown from his carriage in the spring of 1852. We were upon our way to Plymouth, where he was expecting to enjoy some trout-fishing in a preserved pond, belonging to a friend. I was driving at the time a span of horses, in an old-fashioned carriage, and the instant the transom-bolt was broken he was thrown headlong to the earth; and, when I lifted him up, and saw the blood streaming down his face, I felt as if the end of time had arrived. At the moment we fell, he was pointing out to me the course of the Mayflower, as she 'made her slow progress to the shore,' near Plymouth Rock. I helped him, as soon as possible, into a neighboring house; kind friends placed him on a bed, and a physician was soon in attendance. He was quite faint for a time, and, as he lay in that state, the interest manifested by those who came to see him was intense. Among those who stood by was a man, over eighty years of age, who had long been a political friend of his. This person watched the wounded man with intense anxiety; but when Mr. Webster, in answer to some question put to him by the doctor, replied with promptness, the old man suddenly exclaimed: '*Thank God, he has reason!*' and, bursting into tears, wept like a child. I subsequently mentioned this to Mr. Webster, and he said that he had noticed it himself, and was affected by the recollection. After remaining near the scene of the accident (which was twelve miles from Marshfield, and three from Plymouth) about four hours, he was conveyed home, and there remained confined to his bed for ten days.[1] At that time he was not known to have

[1] Mr. Weston (the carpenter) said: "He seemed to decline after that fall from the wagon. It was while he was shut up from the effect of the accident, I went into his room just after Anne had carried him some gruel. He tasted

been injured internally, but both arms were severely bruised and sprained, so that he could not write his name for many weeks. During the few days immediately succeeding the accident, he was perfectly helpless, and suffered great pain; yet he was cheerful, and told an unusual number of anecdotes. During this period he sent me to the library for a copy of Milton, and bade me read the first canto aloud, 'slowly and distinctly.' As I proceeded, he would occasionally interrupt me for the purpose of descanting upon certain ideas which he thought '*wonderfully grand and beautiful.*' While yet his arms were confined in a sling, though, in other respects, he was quite well, he amused himself by walking about the house, now peering into a closet or trunk filled with musty papers, which had been hidden from sight for many years, and now suggesting all sorts of improvement for the comfort and convenience of the household. And twenty times in the day, when the mood was upon him, would he visit the extensive apartments where were congregated his overseer, the various assistants, and his servants, and for every one he had a playful compliment, and the kindest words. He had a fashion of designating me as the '*Colonel*,' and, on one occasion, he said he would make me a '*General*,' if I would only continue, until he was well again, to write his letters, *open the doors, and force a way at his command.* These are trifling incidents, but they give us an insight into the character of the man."

[TO THE PRESIDENT.]

"MARSHFIELD, *May* 12, 1852.

"MY DEAR SIR: I received yours of the 9th at ten o'clock last evening, and thank you for your kind solicitude about my health. I had a great escape, and the more I think of it the more I marvel that I am among the living. The carriage was old-fashioned, and very high from the ground. A fur robe had been thrown over the front board, or dasher, for use in case of rain. This encumbered my feet, so that, when the carriage fell, I could not escape a direct headlong plunge to the earth. My arms saved me, but it is a wonder that they were not broken all to pieces. It is not true, as some of the papers have reported, that I lost my senses, even for an instant; but it is true, that, after I had walked to the house, a chill came on, which made my teeth chatter, and caused a shivering of the whole body, which, I am told, is not uncommon in such cases, and then for a moment my eyes swam, and I felt dizzy. We were three miles north of Plymouth, on a high ground, which commanded a beautiful view of the bay. I was pointing out to Mr. Lanman where the Mayflower came

it, and in a minute or two he told Anne to ask Mrs. Webster to come in. She came, and said: 'What do you want, dear?' He looked at her very grave, and spoke very solemnly—'My love, I'm sick, I'm very sick; don't ever give me another drop of gruel as long as I live—not a single drop.' Mrs. W—— left the room; and he looked up at me with his piercing black eye, with a little twinkle in it of fun, and said: 'Mr. Weston, I always try to be thankful for all the blessings I receive, but it seems to me that Indian meal and water are very small favors.' "—(*Ticknor MSS.* For an account of Mr. Weston, see *post.*)

to anchor, and showing him the island, still called Captain's Island, which was the possession of Miles Standish, and where his descendants now reside. All doors were opened, and every aid rendered, as all the villagers know me, at least by sight. I was particularly struck by the attention paid me by an intelligent person of more than eighty years of age. He kept his eye on mine for half an hour, hearing my conversation with others, but not saying a word. He was a very old political friend. At length I perceived his face began to color. He put his handkerchief to his eyes, and said, with emotion, 'Your mind is clear, and your life is safe.'

"You have, my dear sir, received to-day, probably, my letter of Sunday, the 9th. I have got along since better than I expected. The head turns out to be quite uninjured, except, as I observed in my last, the skin of the forehead was a good deal broken by the gravel. All within is unimpaired, unless, I ought to say, that so violent a shock a good deal disturbed the bile of the system, and gave a yellow tinge to the skin and eyes. As to my hands and arms, those on the left side are most affected, and, at this moment, the left arm, from the wrist almost to the shoulder, is thoroughly black and blue. I believe the radius of that arm is slightly fractured near the wrist. It is occasionally quite painful. I have had it put into splints, and wear it in a sling, bathing it constantly in cold water, to get rid of the swelling as soon as I can. My right arm, although very much discolored, is not so much swollen, although occasionally somewhat painful; and the wrist very weak. It happened to-day that I was left alone in my room, and, wishing to go out, I found that I could not turn the lock or latch, nor could I ring the bell. I walk very well, although such a shock, and the depletion to which it was necessary I should submit, have rendered me rather weak. So much, my dear sir, of myself up to this time of writing; and I will keep you duly informed of what may ensue.

"On the morning of the day I left Washington, or the evening before, I received a letter from Mr. Hülsemann, which I took with me to Baltimore, and there and thence transmitted to Mr. Hunter an answer to that part of it which signifies his intention to depart from the United States, and his reference to the Austrian Consul-General (Mr. Belmont) in his public functions. I had written, the morning of the same day, a private note to Mr. McCurdy, in which I said that Mr. Hülsemann was expected to leave this country; and that I should write to him, on my return from the North, respecting certain occurrences between Mr. Hülsemann and the Department of State. In New York I saw Mr. Belmont, who behaved very much like a gentleman, and did not appear to enter into Mr. Hülsemann's feelings at all. . . .[1]

"Yours always truly,

"Dan'l Webster."

[1] Copy of a note addressed by Mr. Hülsemann to Mr. Webster, dated at

"Washington, *April* 29, 1852.

"On my recent return from Havana, I found that the moment had arrived to fulfil the intentions of my Government relating to my official connections with the Government of the United States.

"The Secretary of State has not judged fit to reply to the note which I considered it my duty to address to him, dated the 13th of De-

[TO THE PRESIDENT.]

"BOSTON, *May* 19, 1852.

"MY DEAR SIR: Yesterday being a fair day, for a wonder, I came up from Marshfield in the cars, but am sorry to say that I suffered more from the jarring of the cars than I anticipated. My shoulders and arms were full of pain; and, to be sure of right treatment, I immediately sent for Dr. Warren and Dr. Jeffries, who held a consultation. They thought that, in my anxiety to get well enough to travel soon, I had made too much application of ice-water, liniments, poultices, etc.; they recommended an abstinence from every thing of that kind, and to be content with the simple use of the sling, and as much rest in the limbs as I could obtain. As I suggested, in a former letter, might be the case, the shock seems to have summoned into action all the rheumatic tendencies of the system, and appearances of bruises and much discoloration are visible in parts where there was no actual local hurt. I can walk with ease and strength, but I cannot put on or take off my hat, nor, without difficulty, raise a cup of tea to my mouth. I can sign my name, though not without effort. My anxiety to get to Washington is extreme, and if there were a good vessel going to Bal-

cember, in relation to the reception and the military honors rendered to Kossuth by the Federal authorities.

"The Secretary of State had led me to hope that my interviews with him, in the State Department, would be no longer commented upon, and accompanied by derisive remarks in certain journals of Baltimore and Philadelphia. These assurances, which were even given to me in writing, have only led to more virulent attacks, which were continued in one widely-circulated journal of New Orleans. And, on my passage through that city, I had been the object of very disagreeable demonstrations. I considered it my duty at that time—21st of November—to inform the President of these annoyances so singularly patronized; and, thereupon, the Secretary of State declared to me—28th November—that thenceforth his relations with me should be had only in writing.

"On the 7th of January, the Secretary of State judged fit to pronounce publicly, and in the presence of Kossuth, a revolutionary speech, in which he strenuously encouraged Hungary to a new rebellion, and formally proposed a sentiment to the speedy emancipation of that kingdem.

"This demonstration was of such a strange character—was so contrary to the simplest international courtesy, as well as to the positive promises which you had given me in the Department of State—that I consider it my duty to address myself to the highest authority of the Republic, to be assured whether this discourse was the expression of the sentiments of the Government of the United States

"I esteem it a happiness to be enabled to say that the Imperial Government, approving my course, has rendered justice to the declaration which the President considered it proper to make to me on the 12th of January, with the design of maintaining the good connections existing between Austria and the United States.

"These verbal assurances have not given place since to any proceeding of the Secretary of State to corroborate, officially, the declaration of the President, and to produce a satisfactory reconciliation.

"After having determined, with much deliberation, as to the hostile proceedings of the Secretary of State, and after having experienced the false and disagreeable position which had resulted therefrom, I believed it to be my duty to declare, for very evident motives of propriety, that my Government would no longer permit me to remain here, and continue official relations with the principal promoter of the Kossuth episode, so very much to be regretted.

"I profit by this occasion to express to the President my respectful thanks for his invariably obliging conduct toward me.

"Mr. A. Belmont, Consul-General of Austria, at New York, will continue his functions until further orders.

"Receive, Mr. Secretary of State, the expression of my high consideration."

Answer of the Secretary of State:

"DEPARTMENT OF STATE,
WASHINGTON, *May* 3, 1852.

"SIR: Your communication to the Secretary of State, of the 29th ultimo, announcing your intention to leave the United States, and stating that Mr. A. Belmont, the Consul-General of Austria, at New York, will continue in the discharge of his functions until further orders, has been received.

"In reply, I have the honor to inform you that, as Mr. Belmont is well known to the Secretary of State as a gentleman of much respectability, any communication which it may be proper for him to address to the department, in his official character, will be received with entire respect.

"I avail myself of this occasion to offer to you, sir, the assurance of my high consideration.

"W. HUNTER, *Acting Secretary*."

timore, and a fair prospect of settled weather, I should be inclined to embark, so much do I dread the shaking of the cars. The doctors think, however, that they can put me in condition for travelling in the ordinary way by Monday, the 24th, when I propose to leave Boston, if, in the mean time, things go on prosperously.

"Mr. Hunter sends me the dispatches; and I am glad to see that things go on without much difficulty. Our great trouble is Mexico. The Government of that country seems to act as if it intended to provoke the United States to take another slice of its territory, and pay for it, for the benefit of persons concerned in the Government.

"Yours truly,

"Dan'l Webster."

[To the President.]

"Boston, *May* 24, 1852.

"My dear Sir: I had the pleasure to receive, on Saturday, your letter of the 20th, and am greatly obliged to you for your concern for my restoration to health.

"My case is rather singular, I think; and I hardly know what to make of it. The swelling has very much left my hands and arms, and it turns out that there is no bone injured in either; but they are exceedingly weak, and not unfrequently quite painful. I left the worst of them out of the sling for half an hour on Saturday, at Faneuil Hall, and it gave me a troubled night. Yesterday afternoon I drove out to see Colonel Perkins, six miles; the motion of the carriage caused great uneasiness, which I am not free from this morning. Under these circumstances, I propose to stay a day or two longer here, and to keep as still as possible. I am at a private house, where the good people have kindness enough to give me little disturbance.

"*Twelve o'clock.*—Since writing thus far, I have seen Dr. Jeffries, and, under his advice, have concluded on taking the boat for New York to-morrow afternoon, if the weather should be fair, which I very much doubt, as an eastern storm seems to be on the wing.

"I concur very much with what you say about Mr. Hülsemann, but shall have one idea to suggest when we meet.

"My views concur entirely with yours in regard to Mexico. I believe ——— is as bad as the rest of them, and that all the magnates of Mexico look to personal benefits and bribery in all things.

"Yet I think the English Government will have too much sense to help them in disappointing the just expectations of the United States; nothing can exceed the folly of their conduct.

"Yours always truly,

"Dan'l Webtter."

The allusion in the last of these letters to "Faneuil Hall" is to a speech which he made there on the —— of

May. The people of Boston were intensely anxious to see him, after the accident at Marshfield—to see him upon their rostrum, and to know that he was yet what he had always been. It was not quite prudent in him to comply with their wishes, for he was not wholly recovered, and he had little strength. His physicians, however, consented, and he met with a most enthusiastic reception from a great multitude of persons of both the principal political parties of the time. His address was read with eagerness throughout the country; for all men were interested to know whether the manifestations of his intellect were to continue to be what they had been. Avoiding political topics, he said:

"Mr. Mayor and Gentlemen of the City Council of Boston: I tender you my hearty thanks, my deep-felt gratitude, for this unexpected expression of your regard toward me as one of your fellow-citizens; and I thank you, Mr. Mayor, an old and consistent friend of mine, for the kind manner in which you have been pleased to express your sentiments toward me on this occasion.

"And now, fellow-citizens of Boston, by the good providence of God, I am here; I am glad to see every face that illumines and is illumined in this assembly.

"Fellow-citizens, this occasion is altogether agreeable. I left the place of my appropriate public duties, at the approach of the summer, to visit my home, and to see to some personal affairs which demanded attention. I came with no purpose or expectation of addressing a popular assembly, or of meeting any mass of my fellow-citizens. I have been arrested by the vote of the City Council of Boston, inviting me, with a unanimity which affects my feelings deeply, to meet them and my fellow-citizens of Boston here, not as a public man, but as a private man; not as one who occupies or exercises any share of the public authority, but as one of themselves, who has passed the greater part of his life in the midst of them, enjoying their association and acquaintance, and cultivating their regard.

"Gentlemen, I have already said that I should come here to-day, to discuss no political questions; to enter upon the consideration of no controverted point of policy in our Government, or any thing growing out of the present state of opinion, in the community, about which men differ. In the first place, fellow-citizens, I abstain from all such discussions, because this is not a fit occasion for such a discussion. This is a friendly, social, personal, neighborly meeting, and not one assembled for political purposes. You will allow me to say, gentlemen, that, if it were a fit occasion for me to express political opinions, I have no new opinions to express, no new political character to assume. What I think upon important pending topics has been so often spoken and written by me, within the last two

years, with full heart and honest purpose, that nothing remains to be said to-day; and what also are my opinions upon the general policy of the country, foreign and domestic, I need not now repeat. I say that I have nothing to add, nothing to retract from my former opinions. I have neither explanation nor qualification to offer. I propose to you and my fellow-citizens throughout the country no platform but the platform of my life and character. I have no new promises to make to my countrymen. I have no assurance to give but the assurance of my reputation. I am known. What I have been and what I am is known; and upon that knowledge I rely to-day, with my countrymen, and before my countrymen; and the rest is theirs. Nevertheless, gentlemen, although it be not an occasion for the public discussion of controverted questions, it is an occasion on which we may feel what is the position we occupy. This is Faneuil Hall—*open*.

"The ornaments on its walls are the pictures of the great and immortal founders of our liberties. No man can stand here with a proper regard for the past, with proper feelings for the present, or with proper aspirations for the future; no man can stand in Faneuil Hall, surrounded by these images of our ancestors, these portraits of Revolutionary characters, without reflecting that they are consecrated by early associations, ennobled by early efforts for liberty, and will be transmitted to the latest posterity by durable records.

"Gentlemen, here we are in what we justly call the 'Cradle of American Liberty.' Here we are on the spot which gave birth to the events, military and civil, with which the revolution of the country commenced. And in all time past, and in the present time, and until the love of liberty is extinguished in future generations, this place will be held in the most affectionate remembrance.

"Fellow-citizens, I hope it may not be irrelevant for me to say that, as the Jews, in the days of their captivity in Babylon, were wont to offer prayers to God daily, with their faces turned always toward Jerusalem, so the patriotic and ingenuous youth of this and succeeding generations, who wish to learn and know the true origin of the independence of the country, and its early achievements in the cause of liberty, who wish to imbibe into their own hearts the fulness of that spirit, will keep their attention turned constantly to this spot, whence issued the light which in 1775 illumined the continent. But, gentlemen and fellow-citizens, not to pursue even these general remarks too far, I turn to other topics more suitable to the occasion. The path of politics is a thorny path. It is agreeable sometimes to turn aside from it, and walk over the velvet verdure of a gentle vale, flushed with all the flowers and enriched with the fruits of personal friendship, and social regard. It is for one of these walks that we have assembled here to-day, leaving the rough road of disputations and politics, and walking over no frozen and no burning marl, but among glades of lofty recollections of the past, and grateful enjoyment of the present.

"Gentlemen, we cannot shut our eyes, and the intelligent part of man

kind does not shut its eyes, to the extraordinary degree of prosperity to which this country has risen, under the present popular form of government—and that is the secret of it all. There may be some things which we might wish were better, many which might be worse. But, on the whole, where does the sun, from its rising to its setting, throw its beams upon a people more prosperous, more happy, more growing in reputation and renown, than the States of United America?

"Now, gentlemen, whence do these blessings flow? Whence comes all the prosperity we enjoy? How is it, that, on the whole continent, from the frozen zone to Cape Horn, there is no people like that of the United States—no people which can show a growth like theirs—no government or people that can stand up before the world, like the Government and people of the United States, and present themselves boldly and fearlessly to the respect, ay, and even to the admiration of all nations? How is this? In my opinion, gentlemen, all, or a great deal of our prosperity, is to be referred to our early acquaintance with the principles of regulated, constitutional, popular liberty, and our early adoption of these principles in the establishment of the republican form of government. The Tory writers of England, whose aim, as you well know, gentlemen, has generally been to show that the people are best governed when they have little or no share in the government, maintain that those above can govern those below, better than those below can govern themselves. That is not our theory. We hold that there is nothing above, and nothing below—that all stand on an equality; each enjoys his part of the public prosperity, and suffers his portion of the public adversity; each at the same time bearing his part, and exercising his appropriate right in the political concerns of his country. Dr. Johnson, one of the writers of this school, says:

> 'How small, of all that human hearts endure,
> The part that kings or laws can cause or cure!'

"Now, the truth is, that kings or laws can cause or cure most evils belonging to social or individual life; they can establish despotism; they can restrain political opinion; they can prevent men from expressing their free thoughts; kings and laws can impose intolerably burdensome taxes; they can exclude the masses from all participation in the government; they can bring about a state of things under which the public good and public liberties will be destroyed, and trodden down by military power; they can obstruct the progress of knowledge and education; they can render men servile; and they can darken, blind, and almost extinguish the intellectual element of humanity. Is not this much? Are not these great evils? Who does not see that the political institutions of this country, according as they are good or evil, are the very elements of his happiness or misery? It is true, it is very true, that a man's condition may depend in many respects on personal circumstances; on his health, on his means for the education of his children; but his fortune, good or evil, is influenced deeply, mainly, and essentially, by the laws of his coun-

try. And that, I take it, is the great solution of the question, now no longer a matter of doubt, but heretofore a question subsisting all over Europe—the true nature of the happiness and prosperity of the people of the United States. But I say to you, and to our whole country, and to all the crowned heads and aristocratic powers and feudal systems that exist, that it is to self-government, the great principle of popular representation and administration, the system that lets in all to participate in the counsels that are to assign the good or evil of all, that we owe what we are and what we hope to be.

"Why, gentlemen, who does not see this? Who supposes that any thing but the independence of this country would have made us what we are? Suppose that mother England had treated us with the utmost indulgence; that the counsels most favorable to the colonies had prevailed; that we had been made a spoiled child; I say to you, as I have said before, and shall continue to say till the time of my death, that it is not in the nature of any colonial system of government to raise a country and raise a nation to the highest pitch of prosperity. It is independence; self-government; the liberty of the people to make laws for themselves; that has elevated us from the subdued feeling of colonial subjection, and placed us where we are. It is independence:

> 'Hail, independence! hail thou next best gift
> To that of life and an immortal soul!'

"Gentlemen, I have said that our blessings grow essentially from our form of government, from the satisfaction of the people with that form, and their desire to help on the general progress of the country. There is no true American who does not rejoice in the general prosperity of the country; who does not delight, day and night, in reflecting that our progress is onward, that the people are more happy, and more and more enlightened, successful, and renowned every day. This is a source of particular happiness to every honest American heart. Whatever his individual condition may be; however fortunate or unfortunate; in whatever circumstances of elevation or depression he may find himself, he still partakes of the general prosperity of the country. He has, in short, a *dividend* (if I may use a commercial expression), he has a *dividend*, payable not quarterly, but daily, out of the fund of general happiness and prosperity which the country enjoys.

"And now let me ask, on what portions of the globe, in how many regions that men call civilized, does the same thing exist? There are, undoubtedly, some other nations in which the people feel the same individual interest in the proceedings of the government; but they are few. But take nations as a whole, look over the Continent of Europe, and, among the many millions who constitute the subjects of its arbitrary governments, how many feel that their own individual happiness and respectability are objects of the care and kindness of the authority which is over them? Does not the mass content itself with the hope that the government may

cease to be so oppressive on their industry, so burdensome with taxation, and so full of restraint on their personal liberty? How many arbitrary sovereigns care mainly about the individual prosperity of their subjects, and instead of considering the means by which their government may become an important rival to another, and be able to maintain a contest by standing armies and heavy taxation, concern themselves for the interests of those that are governed, who pay for the gorgeous appendages of military power, and the means and appliances of despotism!

"The truth is, that the general theory of politics which has sprung out of the feudal system has mainly been to strengthen governments as against one another; to make one throne a match for other thrones; and to this end to maintain armies and navies by severe and oppressive taxation on the people. The theory of the feudal system is that of leader and dependant; and the better instruction or greater elevation of the masses in their character as men never entered into its notions.

"Compare our condition with theirs. Why, there are more men in the United States, I had almost said—attached to their Government, loving their Government, feeling keenly every thing that tends to the disparagement of their Government, alive to every thing that conduces to the interest of their Government, and rejoicing that they live under this Government—than you can find on ten thousand millions of acres, among nations called civilized in the Old World, but living under arbitrary sway.

"Now, gentlemen, we are all Bostonians. We live here on this little peninsula, little in territory, not little in intelligence; circumscribed in acres, not circumscribed by any known boundary in the respect of the civilized world. But we, Bostonians, live here and partake of the general prosperity of our country. We are not exclusive. We desire that every enjoyment that we possess should be participated in by others; and we enjoy the reputation of our whole country, its renown and its honor.

"We may consider ourselves commercially as a nation constantly increasing, as a sovereign community growing daily more powerful. We see that the national spirit and enterprise is gathering strength with its growth; and further than that, we are sure that, in those mental and intellectual efforts which mark the age, we have made respectable progress.

"Thirty years ago it was asked, 'Who reads an American book?' It may now be asked, 'What intelligent man in all Europe does not read American books?' Samuel Rogers reads them. Henry Hallam reads them. Macaulay reads them. McCulloch reads them. Lord Mahon reads them, and sometimes finds himself answered when he comments on them. And there is not an intelligent man in England who does not read American authors, and especially our legal and historical works. And in France, Thiers and Guizot read them, and, throughout the vast population of France, there is no doubt that there is a greater devotion paid to the study of our popular institutions, to the principles which have raised us to the point at which we now stand, than there is paid to the monarchical institutions and principles of government of every other part of Europe.

America is no longer undistinguished for letters or for literature. I will not mention the authors of our own day, now living, who have so much attracted the attention of the world by their literary productions, especially in the department of historical composition.

"Rather a curious incident happened lately, in which *my* name was enrolled with those of men of letters; for there is of course no end to blunders. There appeared an article in the *Royal Gazette* of Madrid, intended to be civil to the American Secretary of State, in which he was declared to be the author of that great and illustrious production, known and honored in most countries as 'Webster's Dictionary of the English Language.' Ye shades of Noah Webster! How will you not be offended at this intrusion on your rights and your repose! '*He* make my Dictionary!' he will exclaim; 'he never could have made my Spelling-book!' And this would be true. I must beg leave, therefore, to disclaim the compliment of the *Royal Court Gazette* of Madrid, and decline to be classed with men of letters. In the literary sense of that phrase, I certainly am no man of letters; although, when official duties require it, it is true that I have sometimes written *a letter*.

"Well, gentlemen, this is a friendly meeting. We assemble socially, in a friendly spirit, to interchange personal regards, and to congratulate one another upon the prosperity and fair prospects of the country. Let us enjoy, both with cheerfulness and gratitude, the blessings which Providence has poured out around us.

> 'Hence, loathed Melancholy!
> But come, thou goddess fair and free,
> In heaven ycleped Euphrosyne,
> And in thy right hand lead with thee
> The mountain nymph, sweet Liberty;
> We'll live with her and live with thee,
> In unreprovèd pleasures free.'

"Gentlemen, the growth of this city is remarkable, and in any other country would be most remarkable. I came here to take my residence among you in the year 1816. The population of Boston was then forty thousand. It is now one hundred and forty thousand. And its increase in wealth, in commerce, the arts and manufactures, has kept pace with the increase of the population.

"And now what is Boston? What is the character of Boston? What are the essential elements of her prosperity? Why, she is nearly unrivalled on the face of the earth, for her important efforts in behalf of and extensive benefits for her own citizens, and for the improvement of mankind. What will you say, which perhaps you all know, when you are informed that the amount of public taxes in this city, for the purpose of education alone, amounts to one quarter of the whole tax laid by the public authorities? Where do you find that elsewhere? Where do you find another Boston in this respect? Where do you find one-quarter of the whole tax, paid by individuals, flowing from the public, devoted to education, in ad-

dition to the very great amounts paid to the teachers of private schools? Nowhere else that I know of.

The city of Boston pays more than two hundred thousand dollars a year for the support of religious instruction and public worship. Where do you find that elsewhere? Tell me the place, the city, the spot, the country, the world over, where so great an amount in proportion to the population is paid for religious instruction. That is Boston. This principle which we inherited from our ancestors, we cultivate. We seek to educate the people. We seek to improve men's moral and religious condition. In short, we seek to work upon mind as well as on matter. And, in working on mind, it enlarges the human intellect and the human heart. We know, when we work upon materials immortal and imperishable, that they will bear the impress which we place upon them through endless ages to come. If we work upon marble, it will perish; if we work upon brass, time will efface it. If we rear temples, they will crumble to the dust. But if we work on men's immortal minds, if we imbue them with high principles, with the just fear of God, and love of their fellow-men, we engrave on those tablets something which no time can efface, and which will brighten and brighten to all eternity.

"And, my friends, that charity which seeketh not her own, that charity which endureth all things, beareth all things, hopeth all things, is not more conspicuously exhibited in any part of the globe than among our own people. The personal attendance on the poor, the bounties of all those who have the means to promote the happiness of the necessitous, and administer to their welfare, are just themes of praise. And above all that, let me say, and let it be known to those who wish to know what Boston has been, what Boston is, what Boston will be, what Boston has done, and will do, let me say to those that Boston has given within the last twenty-five years between five and six millions of dollars for educational, religious, and charitable purposes *throughout the United States*, and *throughout the world*.

"Gentlemen, my heart warms, my blood quickens in my veins, when I reflect upon the munificent gifts, grants, and provisions made for the purposes of education, for the morals, enlightenment, and religious instruction of the citizens, and for the relief of the poor, by the affluence of Boston. And I never think of all this without having my attention turned to a venerable citizen now in my eye, Hon. Thomas H. Perkins [Colonel Perkins occupied a seat upon the floor. Three cheers were given for him]. Will he, at my request, rise and show his benevolent countenance to the people? God bless him! He is an honor to his city, an honor to his State, and an honor to his country. His memory will be perfumed by his benevolent actions, and go down as sweet odor to our children's children. Gentlemen, the happiness of mankind is not always in their control; but something accidental, or, rather, to speak more properly, providential, in the course of things governs it. We live in an age so infinitely beyond the ages that preceded us, that we can consider ourselves now, in this our day

and generation, as emerging from the dark ages, and just getting into the light. We begin to see where we are. We begin to see a new world. A new rush of ideas comes over us.

"Gentlemen, when the great Humboldt stood on the mountains of the equatorial regions, amid their gorgeous forests and foliage, their unsurpassed flowers, their genial warmth, and, under the brilliant constellations of the South, his heart burst out in an effusion of sympathy toward the inhabitants of the other parts of the earth. 'How unhappy,' said he, 'are those members of the human race, who are doomed to live in those melancholy regions which we call the temperate zones!' And so this generation, gentlemen, upraised from the temperate zones of former times, and culminating at the recently-attained and lofty tops of present knowledge and science, looks back with some indifference upon the history of past times. We think them torpid, uninformed, and unenterprising; and well may we think them so, comparatively, in the effulgence of the splendid light of science, skill, invention, enterprise, and knowledge, which has burst upon our times.

"Gentlemen, Mr. Locke says that time is measured by the passage of ideas through men's minds. If that be so, we live a great while in a few revolutions of the earth around the sun. If new ideas, new thoughts, new contemplations, new hopes, constitute life, why, then, we have lived much, whether we have lived many or few years, according as they are usually estimated. The age is remarkable. New thoughts press, and new inventions crowd upon us. We used to say, proverbially, that a thing was done as quick as thought; but that is a lingering mode of expression nowadays. A great many things are done much quicker than some men's thoughts. Thought cannot keep up with electricity. While we are talking, the thoughts cannot travel as fast as electricity can give them to the world. While I am now speaking, the word which last left my lips has already been seized by lightning, and, before I can utter a few sentences more, will be read not only in New York and Washington, but also in Savannah, New Orleans, Cincinnati, and St. Louis; and my words will all be read with some interest, not because they are mine, but because they proceed from Faneuil Hall, from which place all know that, in important periods of the past, no voice was heard but that of determined, resolute, national patriotism.

"So, gentlemen, we live much, though our years may be few. For my part, I hardly envy the patriarchs for the many years of their lives. They neither saw as much nor enjoyed as much as we see and enjoy. In truth, I do not think very highly of the felicity of Methusaleh's longevity.

"Fellow-citizens, let us be grateful for all our blessings; and perform our duties cheerfully and readily, as men, as patriots, and as Christians.

"We all feel that we have a country, not Boston alone, nor Massachusetts alone, but composed and bound up by that vast Union of independent States which are united under a common Constitution. The inhabitants of these States are all fellow-citizens; and he is narrow in his prejudices

and his politics who would reject any of those citizens from the great American brotherhood.

"We see here to-day delegate members from one of the greatest Christian denominations in the United States, coming from the North, probably, certainly from the South and West. And who is not glad to see them? They come as friends; and who would wish to see them in any other capacity? And, as for myself, gentlemen, I say to them, I bid you welcome. [The members of the Methodist Conference now rose in a body.] I bid you welcome to Faneuil Hall, the birthplace of American liberty. Welcome to Boston, the seat of commerce, enterprise, and literature. Welcome to Massachusetts, the home of public education. We welcome you for your many Christian virtues, and for the good you have accomplished in this country and abroad. In the course of my life, I have not been an uninterested reader of your history. I know something of Charles Wesley. Dying at a great age, shortly after our independence was secured, these were his last words: 'The workmen die, but the work goes on.' The workmen who framed the institutions and the Constitution of our country have passed away, but their work lives after them. Those same institutions and that same Constitution have been upheld by us, and I trust will be sustained by our children forever. Although the workmen may die, yet may the work go on.

"I have read, many years since, the biography of John Wesley, an extraordinary person, the great founder and apostle of the society, who died, I think, in 1791, at the advanced age of eighty-three years. His last words were: 'The best of all is that God is with us.' These sentiments have been wonderfully illustrated in the subsequent history of Methodism, of which Southey said so strongly, that it was 'RELIGION IN EARNEST.'

"Now, gentlemen, we must not prolong this occasion further. My friend Mr. Hillard[1] has lately quoted an extract from some stanzas, written long ago, and which I remember from my youth, although I had not remembered their authorship. These may properly be referred to on the present occasion. One line is:

'Ye solid men of Boston, make no long orations.'

This I take to myself, and am bound to obey the injunction. The concomitant line falls in remarkably with the prevailing spirit of these times and this place:

'Ye solid men of Boston, drink no strong potations.'

Let us all give just heed to these admonitions.

"But now, gentlemen, we cannot scan the future. To some degree the past may interpret it; but, in its whole length it lies far beyond our vision. We must commit ourselves and our country to the hand of Providence. We may indulge hopes, high and exalted hopes, humbly and meekly before God, that the prosperity and happiness which we of this

[1] Hon. George S. Hillard.

generation enjoy will descend to our latest posterity, with ten thousand times the brilliancy of yonder setting sun!"

Mr. Webster was again in Washington on the 1st of June. The Whig National Convention, for the nomination of a candidate for the presidency, was soon to assemble in Baltimore. On the day of its meeting, he wrote to one of his friends in Massachusetts:

[To the Rev. Dr. Putnam, of Roxbury, Massachusetts.]

"Washington, *June* 16, 1852.

"My dear Sir: I cannot tell you how much your letter has gratified me. What I have desired through life, next to consciousness of rectitude, and the blessing of God, is the approbation of such men as yourself. There was never a moment in my life when I would have forfeited that approbation from any temptation of popular honors or public office.

"What may take place to-day, in Baltimore, I know not; but of one thing, my dear sir, you may be assured, that is, that I shall meet the result, whatever it may be, with a composed mind.

"With the highest regard, I am, dear sir,

"Your friend and obedient servant,

"Dan'l Webster."

The Whig Convention assembled at Baltimore, on the 16th of June, and was in session six days. The nomination of Mr. Webster might have been effected at once, if a large number of the delegates had not come to the convention with the purpose of making President Fillmore the candidate; for, of those who considered that the policy embodied in the "Compromise Measures" ought to be adhered to, and that the candidate of the Whig party ought to be a real representative of that policy, there were at all times more than enough to have made Mr. Webster the nominee. But, through fifty-two successive ballotings, this great majority of the convention continued to divide their votes between Mr. Fillmore and Mr. Webster, and thus to render it probable that, in the end, the successful candidate would be General Scott, whom none of them professed to desire. It is of no importance now to consider the question, whether the delegates, who were in favor of the nomination of Mr. Fillmore, or those who desired the nomination of Mr. Webster, ought to have given way to each other, although, it

History were to be required to decide such a question, upon the personal claims of the two statesmen, there can be no doubt respecting her verdict. But, in such assemblies, men rarely stop to consider what record they are making for others or for themselves. They press on with preconceived ideas of public policy and duty, but with little comprehension of what is most fit, until a result is reached which is far from being in accordance with their own sense of what the public interest demands. So it was on this occasion. On the fifty-third balloting, General Scott received a few more votes than the necessary majority, and was declared the nominee of the Whig party, according to the usages of such bodies.[1]

That Mr. Webster was disappointed and hurt by the action of this convention, is not to be concealed. But it is important to notice the grounds on which, more than on all others, he regretted this result. He thought the nomination was due to himself; so did a great majority of his countrymen, and so will posterity say. But his principal chagrin arose from the fact that, as regarded himself, the recorded proceedings, unex-

[1] The following are the ballotings of the convention:

| Ballots. | Scott. | Fillmore. | Webster. | Ballots. | Scott. | Fillmore. | Webster. |
|---|---|---|---|---|---|---|---|
| 1 | 131 | 133 | 29 | 28 | 134 | 128 | 30 |
| 2 | 133 | 131 | 29 | 29 | 134 | 128 | 30 |
| 3 | 133 | 131 | 29 | 30 | 134 | 128 | 29 |
| 4 | 134 | 130 | 29 | 31 | 134 | 128 | 30 |
| 5 | 130 | 133 | 30 | 32 | 134 | 128 | 30 |
| 6 | 133 | 131 | 29 | 33 | 134 | 128 | 29 |
| 7 | 131 | 133 | 28 | 34 | 134 | 126 | 28 |
| 8 | 133 | 131 | 28 | 35 | 134 | 128 | 28 |
| 9 | 133 | 133 | 29 | 36 | 136 | 127 | 28 |
| 10 | 135 | 130 | 29 | 37 | 133 | 128 | 28 |
| 11 | 134 | 131 | 28 | 38 | 136 | 127 | 29 |
| 12 | 134 | 130 | 28 | 39 | 134 | 128 | 30 |
| 13 | 134 | 130 | 28 | 40 | 132 | 129 | 32 |
| 14 | 133 | 130 | 29 | 41 | 132 | 129 | 32 |
| 15 | 133 | 130 | 29 | 42 | 134 | 128 | 30 |
| 16 | 135 | 129 | 28 | 43 | 134 | 128 | 30 |
| 17 | 132 | 131 | 29 | 44 | 133 | 129 | 30 |
| 18 | 132 | 131 | 28 | 45 | 133 | 127 | 32 |
| 19 | 132 | 131 | 29 | 46 | 134 | 127 | 31 |
| 20 | 132 | 131 | 29 | 47 | 135 | 129 | 29 |
| 21 | 133 | 131 | 28 | 48 | 137 | 124 | 30 |
| 22 | 132 | 130 | 30 | 49 | 139 | 122 | 30 |
| 23 | 132 | 130 | 30 | 50 | 142 | 122 | 28 |
| 24 | 133 | 129 | 30 | 51 | 142 | 120 | 29 |
| 25 | 133 | 128 | 31 | 52 | 146 | 119 | 27 |
| 26 | 134 | 128 | 30 | 53 | 159 | 112 | 21 |
| 27 | 134 | 128 | 30 | Necessary to choose—147. | | | |

William A. Graham, of North Carolina, was nominated for Vice-President on the second ballot.

plained, would lead to false inferences in respect to the estimation in which his public services were held; and that, in regard to the interests of the country, the Whig party would be in an equivocal position in respect to the "Compromise Measures," and the public policy on which they were founded. In the evening of the day, when the result of the Baltimore Convention was known in Washington, a procession, headed by a band of music, serenaded General Scott, and afterward visited the residences of other distinguished persons, among them that of Mr. Webster. In response to their call, Mr. Webster addressed the crowd from his window. He said:

"You, my fellow-citizens, with many others, have been engaged in the performance of an arduous and protracted duty at Baltimore, in making a selection of a fit person to be a candidate for the office of President of the United States. It so happened that my name was used before that assembly. The convention, however, I dare say, did its best—exercised its wisest and soundest discretion; and, for my part, I have no personal feelings in the matter. I remain the same in opinion, in principle, and in position, that I have ever been.

"Gentlemen, I will tell you one thing: you may be assured there is not one among you who will sleep better to-night than I shall. I shall rise to-morrow morning with the lark; and, though he is a better songster than I am, yet I shall greet the purple east as jocund, as gratified, and as satisfied, as he.

"I tender you my thanks for this call of friendly regard. I wish you well. Beneath these brilliant stars, and in the enjoyment of this beautiful evening, I take my leave of you, with hearty good wishes for your health and happiness."

On the breaking up of the convention, several of the delegations repaired to Washington. The members from the State of Mississippi sought an interview with Mr. Webster, which he gave them at his own house. In reply to a somewhat formal address, made to him by one of their number, in which it was observed that it was the general desire of the Southern delegates to cast their votes for him, at any time after it had become apparent that President Fillmore could not receive the nomination, Mr. Webster said that "he regretted that their policy had appeared to be necessary, only because it would write a false chapter in the history of the country. By the record it appeared that, in all the numerous ballotings, the

Southern delegates had failed to cast their votes for him, even after the hope of success for their favorite candidate had been abandoned; but the *causes* that prevented them from coming to his support were *not* of record. He supposed he would be compelled to submit quietly to this apparent reflection upon his public life; but still, knowing the circumstances that influenced them, it did not in the slightest degree affect his feelings toward his Southern friends." [1]

It is the duty of Mr. Webster's biographer to rewrite the "false chapter in the history of the country" to which he then alluded; and, although the truth reflects little credit on the wisdom of those who made that history, it is quite in accordance with the mode in which these nominating bodies often reach their results. The delegations of Southern Whigs, in the Baltimore Convention of 1852, came there with a strong conviction of the necessity of upholding the "Compromise Measures," and most of them regarded Mr. Fillmore as the true representative of that policy. They encountered, in the Northern friends of General Scott, a strong disinclination, and, in fact, a decided refusal to have the Whig party committed to the affirmation of that policy. As the ballotings proceeded, it became apparent that many of the supporters of General Scott were determined to obstruct the adoption of a party "platform," which should declare the binding character of the settlement that had lately been effected in Congress. Such a declaration the Southern delegations regarded as of great importance; and finally, as a means of procuring its introduction into the series of resolutions which were to constitute the party creed for the approaching canvass, an understanding was had, by which a sufficient number of the Southern friends of Mr. Fillmore agreed to cast their ballots for General Scott, and a sufficient number of the Northern friends of General Scott agreed to withdraw their opposition to the resolution which the Southern delegates desired to have adopted. This bargaining at length produced the result on which the Whig party went before the country with a "platform," affirming the "Compromise Measures" as a "settlement, in principle and substance, of the dangerous and

[1] This report of what Mr. Webster said, taken from the newspapers of the period, is, of course, not strictly full and accurate. But it gives the substance of what he undoubtedly did say. I have heard him say the same thing in private.

exciting questions which they embrace," and with a candidate whose friends and supporters in the Northern States openly denounced and derided them. If Mr. Webster had seen fit, at his interview with the Mississippi delegation, to enter into detailed explanations of his own meaning, when he referred to the *causes* which prevented the Southern delegates from voting for him, after they found that they could not nominate Mr. Fillmore, he would have been obliged to point out to them the rocks on which they and the Northern friends of General Scott had shipwrecked the great Whig party of the country. But he imposed upon himself a strong restraint, and spoke with the reserve which belonged to his character. The sequel proved that the people of the United States did not choose to intrust the Government to a party whose political action could be shaped in this manner.[1]

But these events have been described, partly for the purpose of explaining an occurrence which no one can now regret on Mr. Webster's account, since his life was soon to end, and since this honor of a nomination to the presidency could have added nothing to his fame; and, partly, because the attitude in which the Whig party was now placed rendered it impossible for Mr. Webster, at any time before his death, to advise his countrymen to make the Whig candidate President of the United States. Mr. Webster was obliged, from this time forward, to regard the Whig party as approaching its dissolution. He did not believe that it could longer sustain the functions and discharge

[1] Seventy delegates, from the States of Maine, Connecticut, New York, Pennsylvania, Ohio, Wisconsin, Indiana, Illinois, Michigan, and California, who had voted steadily for General Scott as the candidate, voted against that part of the "platform" which affirmed the binding character of the "Compromise Measures." The resolution was in these words:

"That the series of Acts of the Thirty-first Congress, commonly known as the Compromise or Adjustment (the act for the recovery of fugitives from labor included), are received and acquiesced in by the Whig party of the United States, as a final settlement, in principle and substance, of the subjects to which they relate, and, so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other—not impairing their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled, as dangerous to our peace; and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however made: and we will maintain this settlement as essential to the nationality of the Whig party, and the integrity of the Union."

When it came to be observed by the people of the United States that so many of the representative men of the Whig party in the North, who sought to make General Scott President, had voted against this resolution, and that the "platform" was openly derided by some leading Whig presses in the same section, it became impossible to elect the Whig candidate.

the duties of a national party. He had made great exertions to convince the people of the United States that the time had arrived when the questions relating to slavery must be withdrawn from the national politics; and he could not believe that it was consistent with this policy to place at the head of the Government, however personally distinguished or meritorious he might be, one whose political affiliations were with the leading opponents of the measures by which this policy had been made practicable and operative. Personal disappointment had never before prevented Mr. Webster from giving his support to a rival candidate for the presidency, who had received the nomination of his party according to its usages; nor was his own disappointment the cause which prevented him from doing so now. He considered that, after what had occurred in the Baltimore Convention, showing that the Whig party was divided in sentiment and purpose upon that which he regarded as the most important of all the political issues that could demand the attention of the people of this Union, it would ill become him to advise that people to intrust political power to those who would not resolutely refuse to allow political agitation on the subject of slavery further to disturb the peace of the Union. He saw that the Democratic party had wisely and unanimously determined to "resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."[1] He believed that such ought to be, and would be, the determination of the people of the United States; and he more than once said to me, that, if the Government should pass into the hands of that party, by reason of its present attitude on this subject, and it should continue to act steadily and consistently upon this principle, it would for a long time to come retain the confidence of the country, and administer the Government with the most beneficent effects on the safety and perpetuity of the Union.[2]

[1] Resolution adopted by the Democratic Convention, held at Baltimore, June 1, 1852.

[2] It is important that the reader should observe, in this connection, what the principle of the compromise adjustment of 1850 was. By the law, commonly called the Missouri Compromise (1820), slavery was excluded from all that territory ceded by France to the United States, lying north of the parallel of 36° 30′, excepting the State of Missouri itself. By the compact between the United States and Texas

It may be said, and has been said, that Mr. Webster should not have allowed himself to be a candidate before the Whig Convention, knowing that General Scott was also to be a candidate for its suffrages, if he did not mean in advance to advise his

(1845), slavery was agreed to be allowed in States that might be formed out of Texas, south of 36° 30′, if the people of such States should choose to have it. Under the constitution of California (1849), slavery was excluded from that State by the will of its people. By the physical incapacity of all the rest of the territory acquired from Mexico (1848) to receive and sustain slavery, it was excluded from what is now New Mexico, Utah, and Arizona, as effectually as it could be by any human enactment. Mr. Webster said, *more effectually*. The United States had therefore reached, on this subject, *a fixed state of things*, in which it was unnecessary to have any further political agitation or discussion, in regard to it, after the state of things had been recognized as fixed and immutable, so far as it could be affected by the legislation of Congress. The principle of the compromise adjustment of 1850 so recognized a fixed and settled condition of the whole subject. So long, therefore, as this principle should be adhered to, there could be no further extension of slavery; it would be confined to the States in which it already existed, and to such new States as Texas, by her compact with the United States, had a right to make, south of 36° 30′. Being thus circumscribed, the causes which would necessarily bring about its gradual extinction, and which nothing but further political agitation could impede, would be left to their full operation. As there would be no possibility of increasing the political power of the slaveholding section beyond its then fixed limits, if the principle of the adjustment of 1850 should be adhered to by a majority of Congress, it was a rational and sound expectation that slavery would have to yield to the influences that would finally make it an intolerable burden in the States to which it was confined. Mr. Calhoun saw this very clearly; and hence his struggle to restore and secure what he regarded as the just political "equilibrium" between the two sections, by obtaining an admission of the principle that the Constitution, *proprio vigore*, invested slaveholders with a right, which Congress could not restrict, to carry slavery into any Territory of the United States. This "equilibrium" certainly was *not* secured by the Compromise of 1850, which admitted nothing like the principle for which Mr. Calhoun contended. On the other hand, Mr. Webster saw, with equal clearness, that, if the people of the North would recognize that there was a fixed state of things, in reference to the extent of slavery, then that that institution or relation would at once be left to the operation of causes for its final removal, which must begin to operate in the States where it remained; that those causes would be unimpeded by further political agitation; and that slavery would therefore not become the motive or the occasion for secession and civil war. Hence his desire to have the people of the North recognize, act upon, and adhere to, that fixed condition of all the territory of the United States, on which the Compromise Measures of 1850 were founded. He always declared that, whenever and wherever it should be necessary to apply what was called the "Wilmot Proviso," he would apply it. But, as the state of things was already fixed, in regard to future slavery in new Territories, by circumstances that made that enactment unnecessary, he said he would not give useless irritation by resorting to it.—(See an extract from a speech made by Mr. Webster at Springfield, Massachusetts, in 1847, in regard to the "Wilmot Proviso" and its uses, as quoted and applied to his position in 1850, Works, v., 349.)

The following letter, written by Mr. Webster to one of his Boston friends (the Hon. Charles Henry Warren), six days before his speech of March 7th, did not reach me in season to be inserted in its appropriate connection:

"Washington, *March* 1, 1850.

"My dear Sir: Your friendly letter of the 6th ultimo has lain open on my table from the day of its receipt, and I have intended, from hour to hour, to give it answer. Two things have prevented: one, that I have happened to be all the time much engaged; the other, that I have hoped, every day, to have something to say the next day. Probably the

own political friends to give their votes in the election to either of the candidates who might receive the nomination. That the usages of political parties in this country have for a long time been understood to impose this kind of obligation upon all candidates who are competitors for nomination to office by the same political body, is certainly true. But, deeper than all such usages, lies the question, of what a great statesman is to do, when the action of his party, in taking the position by which it is to demand the suffrages of the people, puts in peril a course of public policy which he believes to be essential to the safety of the country. Is he to be obliged, by the force of that kind of obligation which arises from the fact that he was a candidate himself before one of these nominating bodies, to tell his countrymen that his convictions respecting a great public policy are of less importance to them than the nature and force of an obligation created by party rules, and deriving all its supposed stringency from a merely implied point of personal understanding? It should be remembered that the course of those who effected the nomination of General Scott at the convention, and the manner in which many of his Northern supporters afterward treated the "platform" of that body, rendered it impossible for Mr. Webster to recommend his election.

It is not to be doubted that the course of the Whig Convention toward Mr. Webster was received by multitudes of men throughout the country with deep mortification and disappointment. No opportunity, however, occurred for the manifestation of this feeling toward him, in any public manner, excepting on his arrival in Boston in July, on his way to Marshfield;

best return I can make is to tell you, as far as I can, how things stand here on this 1st day of March.

"*Imprimis:* There is a little lull in the storm of angry words, reproaches, and threats. Southern gentlemen are a little less violent, and, I think, abolitionists find themselves a good deal rebuked by public opinion. The debate goes on in both Houses, but not with quite so much heat and fury as were manifested a fortnight ago. Mr. Calhoun's speech will be read in the Senate on Monday. It will be in his usual [vein] of dogmatical assertion and violent denunciations of the North. Alas! poor man, he will speak in the Senate, I fear, no more. Seldom agreeing with him for the last twenty years, I yet feel touched at the prospect of his death. I am near his own age, and it is now more than thirty years since we met in Congress. Personally, good feelings have always subsisted between us, and I shall most sincerely lament his death, if that should be his immediate destiny.

"After Mr. Calhoun, Governor Seward wishes to speak, and so does Mr. Badger. These having spoken, I shall get the floor, if I can, on Wednesday, but fear it will be later. You may wish to know the substance of what I propose to say; but, as my budget will soon be out, I think I shall give you no abstract of contents in advance. I mean to make an honest, truth-telling speech, and a Union speech; but I have no hope of acquitting myself with more than merely tolerable ability. But we shall soon know, and I neither despond nor enjoy a premature exultation at success. Whether the speech be good or bad, nobody will care a fig about it a month hence, if any thing occurs, mean time, to give quiet to the country.

"Yours, D. W."

for he now studiously avoided all occasions of presenting himself personally before the public, having resolved to say nothing in respect to his own position, or to the approaching election. But, in Boston, the feeling of regret was so general and strong, and so common to both the great political parties, that Mr. Webster could not refuse a public reception that was designed to assure him the love and veneration which were felt for him, and which no political events could take away or diminish. Accordingly it was arranged, with his consent, that on reaching that city, on the 9th of July, he should be received with public honors. In this great ceremony, which was by far the most impressive and touching demonstration ever made by that people toward Mr. Webster, there was no purpose of giving rise to any further political action concerning him. The lapse of a few weeks, in which it had become apparent that the Whig party, as a political organization, was unequal to the duty which his relation to the country created for it, had produced a feeling that he was already a great historical character, whose public life was nearly closed, and whose natural life might soon terminate. While, however, they could yet greet him—while they could yet tell him how they remembered his public services—while yet they could make him feel that no official station was needed to fix his place in the estimation of the present or the future—while they could still hear him, as of old, speak of what concerned the destinies of their country, that people, whom he had served so faithfully and so long, yearned to express to him their mingled gratitude for the past, their regret for the present, and their faith in the judgments of coming generations. If there was a sadness in all this grand outpouring of popular feeling, as if this was instinctively perceived to be the last honor they could pay to the living statesman—the last time they could look upon him in a public place—the last occasion on which they could grasp his hand or hear his voice—there were also a heartiness and an enthusiasm which have never been surpassed toward any man in that community. To those who witnessed the reception of General Lafayette in the same city, in 1824, that of Mr. Webster, in 1852, was more imposing. On that day it appeared—as if posterity were already come to proclaim it—how great was to

be the position which he is to occupy in the annals of our age.

I borrow, from the official account, published by the committee of arrangements, some descriptions of this remarkable scene, its incidents and ceremonies:

"It was deemed proper by the committee, after the result of the Whig National Convention, that the citizens of Massachusetts, without distinction of party, should have an opportunity to express the veneration and attachment, which, it was well known within the limits of the State, were felt by them toward Mr. Webster; and in coming forward to take the direction of a demonstration, which the committee were well aware must be made in compliance with a vehement popular demand for some form of expression toward the great statesman, the committee felt that they assumed the responsibility belonging to public organs of a great public sentiment.

"It was, at first, intended by the committee of arrangements, that the procession, to be formed as an escort, should be of a wholly civic character; partly because the committee had no means of obtaining orders for a military parade, and partly because a civic procession was felt by some to be a more appropriate mode of honoring a great statesman who had never borne any military character. But it was no sooner known that there would be a procession, than the committee received, through the chief marshal, offers of military escort of a voluntary nature, so pressing and so full of feeling for the honor of the occasion, that it was impossible for them to adhere to their original determination. It became apparent, at once, that the military of Boston, and of other places, were about to demand, as their right, the duty of performing the escort, and were determined to perform it, in a manner which would show that *orders* were wholly unnecessary, upon an occasion of honors to Daniel Webster. The original plan was accordingly changed. The chief marshal was requested to receive any offers of military escort that might be tendered; and the result was the assembling of a body of troops, larger than ever before appeared in New England, upon a service purely voluntary, and expressing by their presence that it was a sentiment that called them to the arduous duties of an unusually sultry day.

"At an early hour of the forenoon the shops and stores began to be closed, and the city began to put on the garb of a national holiday. The various thoroughfares were thronged with people, multitudes of whom were strangers; and every train upon the various railroads leading into the city brought new accessions to the crowds that had assembled to witness this interesting ceremony. The streets through which the procession was to pass were very generally decorated, and for the most part in an exceedingly tasteful manner. The citizens appeared to vie with each other, in the gayety of their flags and other decorations, in patriotic and appropriate mottoes, and in graceful designs expressing the feeling which

animated the whole people. Innumerable busts and portraits of the great statesman were displayed upon the balconies and walls of the houses, evincing how extensively those remarkable features are cherished as a household image. From the costly marble crowned with bays to the most ordinary print, every form in which they have been reproduced stood out upon dwellings of all degrees, until one gave up the attempt to count them.

"The regiments constituting the military escort formed in line between three and four o'clock, on 'The Neck,' with their right resting upon the Roxbury line, awaiting the arrival of Mr. Webster. Upon the opposite side of this broad avenue were posted the various civic bodies, mentioned in the programme of the procession; and behind the lines, as far as the eye could reach, in the direction of the city, stood a vast crowd of eager spectators, apparently unconscious of the intense heat of the sun, awaiting the approach of him whom they had come out to welcome.

"Mr. Webster, who was tarrying at the house of the Hon. Samuel H. Walley, in Roxbury, entered a barouche, drawn by six gray horses, at half-past three o'clock, and, accompanied by the committee of arrangements, who were seated in the same carriage and two others, and escorted by the National Lancers, proceeded toward the dividing line which separates the two cities. As soon as the *cortége* left the residence of Mr. Walley, a discharge of cannon announced his departure, and the salute was repeated by field-pieces stationed in the great square of the city of Roxbury, and along the line where the military escort was in waiting. At the same instant, the bells of Roxbury and Boston made known that the procession was about to move.

"Upon the arrival of Mr. Webster across the line, he was met by General Tyler, the chief marshal, who, in a few brief words, tendered to him the civic escort which had been arranged. General Edmands also tendered to him a military escort of a purely voluntary character. Mr. Webster thanked them both; and, to General Edmands, he said:

"'Please to accept for yourself, and to communicate to the members of the escort, my most affectionate regards. I am one who was early taught the value of our citizen soldiery, and I believe a volunteer militia constitutes the only needful defence of a free country.'

"The carriages having passed the military escort, drawn up in line on the west side of Washington Street, the procession, at a quarter-past four, took up its line of march for the Common, through the streets previously indicated.

"Along the whole route of the procession there was a heartiness and depth of feeling in the popular manifestations such as is seldom seen. A dense crowd lined the streets; the door-steps, balconies, and windows of the houses were crowded with men, women, and children, who seemed to have come forth as if to bestow an unwonted and unparalleled ovation upon one who deserved the purest feelings of their hearts. Old men crowded to the carriage to greet the object of this extraordinary display

Women held up their infants, that they might say, in after-life, they had seen the Defender of the Constitution on his triumphal entry into Boston. Cheer followed cheer, bouquets and garlands were showered upon the carriage, toward which all eyes were turned, and every possible token, by which a people can evince affectionate admiration and respect, was lavished by the vast multitude, as the procession wound its slow way through the crowded streets. The naturally reserved character of the New-England people had totally disappeared: joy illumined every countenance; those who were unaccustomed to public displays of their emotions became expressive, graceful, and animated; and while the streets were densely filled with men, who multiplied 'three cheers' into one continuous roar of voices, the background of ladies, filling the houses to their roofs, and waving their kerchiefs, gave a beauty and impressiveness to the scene, which will never be forgotten by those who had the good fortune to pass through the whole of it.

"The route of the procession was through Washington, Tremont, West, Bedford, Summer, Washington, State, Commercial, Cornhill, Court, Tremont, and Beacon Streets, to the Common—the whole of this long route being densely crowded by multitudes waiting their turn to give a greeting to Mr. Webster. The head of the procession reached the Common at about seven o'clock, and, entering the Charles Street gate at the foot of Beacon Street, the military escort formed in line facing to the west, and toward a platform erected near the Charles Street Mall, about midway between Beacon and Boylston Streets. Mr. Webster, accompanied by the committee of arrangements, the invited guests, and other persons, then alighted from the carriages, and, entering by the gate, passed in front of the troops, and ascended the platform. At this point, the amphitheatre, formed by the elevated ground opposite the platform, presented a most impressive scene. Along the base of the hill, upon the flat parade-ground, the troops were drawn up in line, and, in their rear, an immense crowd of persons of both sexes extended to the summit of the hill. As soon as the formality of the military salutes was over, all barriers were removed, and the crowd rushed toward the platform, which was immediately surrounded by an immense and eager audience.

"Quiet being restored, J. Thomas Stevenson, Esq., came forward, and addressed the assembly as follows:

"'Fellow-Citizens—Republicans: I count it a high honor, for a private citizen like myself, to be permitted to be the organ of communication between such an assembly as this and him whom we welcome home to-day. I might well have shrunk from the performance of even this agreeable duty, had I not known that the time, the place, the occasion, and all the attendant circumstances, would compel the utterance of the proper word. The time, the hallowed week of our nation's nativity; the place, Boston Common, dedicated to the public, and used now because no roof, short of the canopy of God's first temple, is broad enough to cover the multitudes whom nothing could prevent from being present at this

first greeting; the occasion, the return of Daniel Webster, whose name shall have no epithet here, from the scene of his public duties and his public cares, to the midst of those who love him for what he is, and who know that the story of what he is is best told in the public record of what he has done.

"'The time, the place, the occasion, speak for themselves, so that it would seem a waste of words to say to you what this unwonted concourse of free and independent citizens means. It is the great public heart giving expression to its irrepressible emotions. I will therefore bear your message, with no delay, to him you come to greet. Justice to a patriot is justice to the people. I may say, from you to him, that which addressed to any other man were flattery. For Massachusetts

> 'Must know
> The value of her own. 'Twere a concealment
> Worse than a theft, no less than a traducement,
> To hide [his] doings; and to silence that,
> Which, to the spire and top of praises vouched,
> Would seem but modest. Therefore, I beseech you,
> (In sign of what [he is], not to reward
> What [he has] done) before our people hear me.'[1]

"Mr. Stevenson, then addressing Mr. Webster, proceeded as follows:

"'Sir: Upon this occasion of your return, the people have sent no delegates to welcome you, but have come themselves; they have come with their hearts in their hands. Look around you upon this sea of men's countenances, bounded almost, like the ocean, by the horizon. As you have passed through the public ways, it has been a swelling stream tributary to this ocean here. Its very silence speaks to you. All that you see is real. No man is here for a selfish object, or with an ulterior purpose. No man is here because he holds an office, or because he wants an office. This vast assemblage is the result of no preconcerted arrangements, presenting a seeming beyond the truth. No party bugle has sounded a call for this gathering. All that has been done was to notify the public of this opportunity. See how the public has seized it!

"'Each man is here prompted by his own impulses. The military escort is composed of the volunteer militia, here in obedience to no order —each man his own commander. No curiosity has brought us here, for we come to meet a familiar form. No promised eloquence has attracted us; we are here to see and to greet you. There are no disguises here. There are no restraints here. The expression may be as free as the thought. Let the utterance of this scene be distinct to you. Let its spontaneous testimony assure you that this republic is not ungrateful. She may not confer her offices with their cares; she cannot withhold her honors with their satisfactions. The unbidden pulsation of an educated people's heart is the true exponent of that people's mind. As

[1] Coriolanus, act i., sc. ix.

sometimes the mariner, returning from a long and eventful voyage, sees, looming up above the deceptive fog that is resting on the waters that he is traversing, a friendly lighthouse, and so is assured that his course has been and is correct, so let the event of to-day, showing itself above all the mists of party, give like assurance to yourself. The old and the young are here—the old to renew their testimony to the value of your public services, and the young to give assurance that they are profiting by your public teachings.

"'Public gratitude will take some form of public expression, as the full heart will speak, and this multitude is here to greet you as a faithful teacher and a wise guide. We thank you for what you have done to secure to this young republic her proper rank in the scale of nations. We greet you as a statesman. We thank you, as we stand on Boston Common, for what you have done for the freedom of the seas; for your masterly solution of the complex question of the right of search—a solution so grand, that it gives to the flag of our country the power to protect every American vessel on every sea, yet so simple that every American boy, who reads the discussion of it, wonders that it took a man to make it. We greet you as the defender of commercial rights. We thank you for the prolific seeds of true republicanism, which you have scattered broadcast through the land. Who ever closed a volume of your published Works without feeling himself more fit for a republican after its perusal? Your counsels have not fallen like autumn leaves upon the frozen ground, but they are producing a rich harvest of republicanism from both the willing and the unwilling soil. We greet you as the great republican teacher. We thank you for what you have done to bind together this great family of States; rejoicing that, whether you have stood here, in the neighborhood of your family altar, or in the capitol, amid scenes of sectional strife, or nearer to our Southern border—wherever within the limits of this great nation you have stood, you have been able to say: "This is my country; how can I serve her?" We greet you as THE AMERICAN. We thank you for what you have done to enshrine the Constitution of our common country upon the inner altar of the temple of our hearts. We greet you as its great defender. We thank you that, in your advocacy of the citizens' rights, you have not failed to remind them of their duties; for, if the former are not to be surrendered, the latter are to be performed. We greet you as the champion of the Union. We thank you for what you have done to still the unnatural turbulence of the sea of domestic strife, and to preserve the relations of peace with foreign countries with honor to your own. Surrounded by all the blessings of peace, we do not forget that you have three times averted the horrors of foreign war. We greet you as the great treaty-maker. We thank you for that fidelity to political principles which you have done so much to establish in the hearts of our people, which carries with it its own reward—is its own reward. That jewel is a treasure, which he who earns it cannot lose by accident, nor be robbed of by design. It is his amid all changes, and

through all dangers. It is a treasure in his own keeping, and the breath of another cannot tarnish it. It is his for an ornament—it is his for a praise—it is his for a consolation under all circumstances; and, in a republic, it is his with a talismanic power over the policy of his country, whether he be in office or out of office.

"'Parties we must have in a republic, differing from each other, not in love of their common country, nor in a sincere desire to promote her interests and to guard her honor; but at variance chiefly upon the best means of doing both. And this necessity is not an unmixed evil. We thank you, that, during the time of your public service, you have been ready and willing to stand up before your country, regardless of the behests of party, and to lend the influence of your intellect, of your voice, and of your vote, to measures emanating from the party to which you were generally opposed, when you have seen that your country's good required it. This we know is a difficult duty for a public man, rarely performed; we thank you for the repeated performance of it. We thank you for the genuine patriotism, which has been not only a conviction of your understanding, but the passion of your heart, rejoicing that, from the beginning, you have shaped your course by that fixed star, and never by any wandering meteor, however brilliant, that flashes and is gone. We thank you for your long public services. It rarely happens to a man to be justified in feeling that he has served his country through more than a whole generation, always with honor both to himself and to her.

"'And now, sir, let us welcome you to the scenes of many fond memories. We welcome you to the heart of hearts of a Commonwealth which knows you. We welcome you to armies of friends, who are proud of your position. We welcome you to your home, and to that temporary retirement which you are seeking, and which we know will not be wholly uninterrupted by public cares. We welcome you as the American Patriot, whose name the people of this community are willing should be associated with that of Washington. And, as we all welcome you, it is "an hundred thousand welcomes."'

"Mr. Webster then rose, and, as soon as the enthusiastic cheering, with which he was greeted, would permit his voice to be heard, addressed the multitudes as follows:

"'Mr. Stevenson and Fellow-Citizens: This honor which you confer on me as much exceeds all my expectations as I feel that it exceeds my merits. I owe it all to your kindness, to your friendship, and to your constant regard. I rejoice in it; I am proud of it. Nothing on earth can be more gratifying to me than to come to the bosom of a community in which I have lived for so many years, and which for so many years I have endeavored to serve to the best of my ability, and find that I am not disowned.

"'Gentlemen, the hour of the afternoon will allow me to address to you but a few remarks, but I will, out of the abundance of the heart speak to you. I am known of you; I have lived among you more than half

my life; I have been honored by the favor, both of the citizens of Boston and the Legislature of Massachusetts, and with all humility and all modesty, before you, I am ready to account for the manner in which I have discharged the duties which their kindness devolved upon me.

"'It is now, gentlemen, thirty years since I came to this city of Boston. In my early manhood I had had some, but not much, experience in political affairs. I had left the world of politics, as I thought, forever; and I came here to pursue my profession, to earn my living, and to maintain and educate my children. From my brethren of the bar I received a most cordial welcome. From all the citizens of this then town, now city, the kindest reception. It was enough for me, and fulfilled all my expectations in life, that I should be able moderately to provide for my own necessities by my professional labors, and enjoy the pleasures of the intellectual and agreeable society of the town of Boston. I remained here, gentlemen, some years in pursuit of these private objects, neither looking for, nor desiring, any change in my position.

"'But no man knows his own destiny—at least, I did not know mine. As I was sitting in my office, poring over Mansfield and Blackstone, in the autumn of 1822, there came a committee to me. They did not look like clients. I did not believe they had any lawsuits. Thomas H. Perkins was chairman. Another of the members is now living—Mr. William Sturgis—and they stood up straight in my presence. I threw down my law books, and they said: "Sir, we have come to tell you your destiny. You must give up these law-books. We come to tell you that, on Monday next, you will be chosen to represent the city of Boston in the Congress of the United States. We come to make no request, we come to enter into no discussion, we take no answer;" and Colonel Perkins made a graceful bow, and, with his committee, went off.

"'Well, gentlemen, I submitted to what I supposed to be the will of the good people of Boston; and, although it has interfered with private purposes and private emoluments, I do not regret it, but rejoice at it. And if I may feel this day that my conduct in that capacity, and in the capacity in which I afterward served as Senator, be satisfactory to this great and ancient and glorious State of Massachusetts—whether in riches or in poverty, or in health or in sickness—I am rewarded.

"'Now, gentlemen, I must be allowed to say to you, that, from my earliest age, from the moment when I began to read and understand political matters and political history, the political history of Massachusetts had been a sort of *beau idéal* to me. I have studied it from my earliest youth, and loved it and honored it always; and I wish to say to you to-night, what was Massachusetts when I became a member of Congress at the bidding of the people of Boston. What was she? To answer this question I must go back to her history. The great history of Massachusetts begins with the Revolutionary struggle of the country, and what was that? For what did Massachusetts struggle? For what did she offer to

pour out her blood like water, and exhaust all her treasures as if they were worthless, and run all the risk of war, and of civil strife, and of the gallows, and of execution as traitors? What did she do it all for? Why, depend on it, gentlemen, it was not any narrow principle, any local object, any sectional concern of her own. She did not brook the power of England for a strip of land, of fifty miles width, between Connecticut and New Hampshire. She did not do it even to protect this glorious bay before us, so beautiful, and studded and gemmed with so many island and islets. No, no, no. Massachusetts struck for the liberty of a continent! It is her everlasting glory—everlasting unless she terminates it herself—that hers was the first effort ever made by man to separate America from European dominion. That was vast and comprehensive. We look back upon it now, and well may we wonder at the great extent of mind, and genius, and capacity, which influenced the men of the Revolution.

"'Gentlemen, friends, fellow-citizens: Let me tell you that Massachusetts had all America in her heart when she summoned her whole strength into her arm, and gave a blow for the liberty of the American world. It was nothing less than that; it was nothing less than that. Warren did not die for Massachusetts only. Her soil is honored by receiving his blood, but the world is not wide enough to circumscribe his fame. All the generations of mankind upon this continent will never be able to make recompense for his devotion to republican institutions, and his death in the cause of liberty.

"'Well, gentlemen, that is the original character of Massachusetts; that is the foundation of all her renown that is worth possessing. It is her original devotion to liberty as a cause, to the whole of America as a country. Her renown, in that respect, is placed on deep, well-laid, and firm foundations; foundations never to be disturbed, unless in some day of darkness and of death, in some moment of folly and of frenzy, and of madness, she shall herself subvert, with that same arm, the foundation of all her greatness and glory. That will not happen. I pray Almighty God, at least, if that is to happen, the judgment of that day may be post poned till my head shall be covered with the sods of the valley.

"'Well, gentlemen, let us adhere to that spirit of union, of nationalism, of Americanism; and let no narrow, selfish, local policy—no trifling concern of the day and the moment, influence the counsels of Massachusetts. In the day that made Massachusetts what she was, and what she has been, her policy was large, comprehensive, united. She never drew a breath that was not a national breath. She never had an aspiration which did not embrace all the colonies; and if the crown of Great Britain on that day had offered her an exemption from all the rigid enactments, if it had offered her free trade, unrestricted by colonial legislation, if it had offered her twenty seats in her House of Commons, and two hundred noblemen, she would have rejected them all. She struck for principle; she risked for America. If America could free herself, she wished to be free; and if America was to be subjugated, and that was the will of God, she was will-

ing to be subjugated, and remain in subjugation until a more fortunate hour should arise for the freedom of the whole.

"'Now, gentlemen, let us dwell on that; and any man, at this day, who sets up peculiar notions and sectional distinctions, who would have us believe that her interests are essentially disconnected from, and alien to, the interests of other members of this republic, is an enemy to you, is an enemy to the republican cause, and an enemy to freedom all over the world.

"'That was the original character of Massachusetts, which I learned in early life; and which inspired me with veneration and devotion. I think I understand it. I think I have read every page of her history. I have known some of the great men of that day, personally. I never saw John Hancock or Samuel Adams or James Otis. I have known John Adams, Robert Treat Paine, Elbridge Gerry, and other great men of that period; and I have listened to them as to oracles teaching me, as a young man, the proper performance of my duties, if I should have public duties to perform.

"'Well, then, succeeding to this Revolutionary epoch, came the constitutional epoch. The condition of the country at the close of the war showed the necessity of a more efficient form of government than that which then existed. It was a great thought. It was, if one may say so, a fearful experiment. It appeared so to some of the wisest and best men of Massachusetts. It appeared to those men, at the head of whom was Sam Adams, that it might be dangerous to create a central government with authority to act directly upon the people, and not obliged to act through the interference of the States. But Samuel Adams, however jealous of liberty, was a wise man. He saw the necessity of such a government, and he yielded to it; and, in yonder old State-House—or rather, I believe, it was in the Old South—he gave his vote for it. I think I behold him now, in his half-Quaker dress, with his broad-brim hat, his gold-headed cane, not less than five feet long, and, after all the discussion and all his doubting, crying out, 'Aye!' and the whole assembly echoing. reëchoing the shout of rejoicing.

"'The Constitution went into operation, and the country had the good fortune to place Washington at the head of affairs. You all know how it revived every thing. Massachusetts went under that Constitution, sacrificing her peculiar rights to the general good, and suffering the General Government to possess and enjoy her commerce, which was more than the commerce of any other State in the Union three times over, yielding the whole to the best interests of the new government. And she has from that day to this experienced a rich reward for all she sacrificed by the protection which that Government has afforded her, by upholding her flag all over the world; and, instead of holding up her venerable Indian with the bow and arrow, maintaining the Stars and Stripes from ocean to ocean, and river to river.

"'There were great men in that day of the establishment of the Constitution, many of whom I have seen and heard. There was Gorham, and

Cabot, and Strong, and Sedgwick, and Sewall, and Goodhue, and Ames, and other persons connected with the adoption of the Constitution and the Administration of Washington. There were Eustis and Samuel Dexter, and General Varnum, of Middlesex, all eminent and distinguished in their day and generation. Now, by this time the people of this Commonwealth had been formed into parties, and different sentiments divided them in relation to the public concerns of the General Government; and different sentiments prevailed in respect to the administration of affairs at home. Rival candidates were put forth for offices, and sometimes one succeeded, and sometimes another. Various successes attended various party movements down to the period of 1823, when it was my fortune, for the good or evil of the country, to be placed amid its councils.' [Cries of "Good."] Mr. Webster, bowing, 'I thank you.'

"'Now, let me say that, down to that period—that is fifty years from the period of Independence—there was not, in all the parties in Massachusetts, from Berkshire to Cape Cod, to be found an eminent man with the slightest tincture of disunion sentiment about him. There was not a man who was not willing to thank God, daily, that we had been so successful in establishing a government, which had secured to us such an eminent degree of prosperity. And when I went to Congress, from the city of Boston, there was not a man in Congress who entertained disunion feelings, and, if it had been so, he could not have held his place one hour after the people had had the opportunity to decide upon his merits.

"'Now, gentlemen, that was Massachusetts when I came into her councils in 1823. That was the Massachusetts which I embraced, and which did me the honor to embrace me. That was the Massachusetts which I had honored, historically, from the Revolution downward.

"'The character of nations and of men, gentlemen, is made out of facts. It is not the portraiture of the pencil so much as it is the narrative of the pen. History tells us what Massachusetts was, when she did me the honor to call me into her service; and, in that character, I honored her, and still honor her, if not as the first among the first of all the true, patriotic Union States. I will not say she was *primus inter pares*, but I will say she was not *secundus inter pares*. If she did not go before all others, I aver no others went before her.

"'This being the character of Massachusetts, this her attachment to the Constitution and to the Union, with some differences of sentiment as to State and national politics; but, after all, the ruling sentiment being attachment to the Constitution, attachment to the cause of American liberty, attachment to that great principle of government that first made America what she is; this being the characteristic of the State, I entered into her service with all the devotion of my heart, and I gave to it whatever ability I possessed.

"'Now, gentlemen, from the time I entered into the Congress of the United States, at the wish of the people of Boston, my manner of political life is known to you all. I do not stand here to-night to apologize for it.

Less do I stand here to demand any approbation. I leave it to my country, to posterity, and to the world, to say whether it will or will not stand the test of time and truth. I have only to say to you that, at my present time of life, I am not likely to adopt any sudden change. What I have been, I propose to be. No man can foresee the occurrences of future life. I profess to foresee nothing. The future is distant, the present is our own; and, for the present, I am content with expressing my utmost gratitude to you, and assurance of my perpetual regard.

"'But I ought to thank you a little more particularly for this generous, spontaneous outpouring of such a multitude to greet me. I thank you for your civic procession; for all the kindness of individual citizens, many of whom are known, and many of whom, especially the young, are unknown to me. I ought also to express a particular debt of gratitude to the military who have accompanied us as escort. You all know, gentlemen, it is not my fortune to be, or to have been, a successful military chieftain. I am nothing but a pains-taking, hard-working civilian, giving my life and my health and my strength to the maintenance of the Constitution; and the upholding, according to the best of my ability, under the providence of God, the liberties of my country.'"

On the 12th of July Mr. Webster went to Franklin, where he remained until the 20th. While there he received information of a step that had been suddenly taken, by the English Government, in regard to the fisheries off the coasts of the British provinces; a step that at once produced much excitement and alarm in this country. Some explanation of the origin of this difficulty is here necessary.

Before the Revolution, all the British colonies in America had the right, in common, of fishing in and about the Gulf of St. Lawrence. The United States secured a continuance of their share in these privileges by the treaty of 1783; but the British claimed that the War of 1812 put an end to them forever. This was denied on the part of the United States; and the dispute, which followed, was settled by the Convention of 1818, which granted to American citizens the right to fish along certain portions of the shores of Newfoundland, Labrador, and elsewhere, to within three miles of the coasts, bays, estuaries, etc., of the British provinces. Misunderstandings and collisions soon followed, the Americans claiming that they had a right to enter the wide gulfs and bays, so long as they did not approach within three miles of the shore, and acting accordingly; while the provinces declared that they could not come within three miles of a line drawn

from headland to headland; and they attempted to seize such vessels as violated their interpretation of the treaty. Complaints and troubles were continually arising, giving occasion for frequent diplomatic discussions between the Governments for a period of thirty years. Finally, in 1852, the British colonies united in fitting out cruisers to protect what they regarded as their exclusive rights in a portion of these waters, and to prevent encroachments by citizens of the United States. The home Government had now adopted the provincial interpretation of the treaty, and dispatched a naval squadron to assist the cruisers of the colonies. The first *official* intimation of this course, on the part of the British Government, was received by Mr. Webster in a letter from Mr. Crampton, announcing the steps taken "to prevent a repetition of the complaints which have so frequently been made of the encroachments of vessels belonging to the United States and France upon the fishing-grounds reserved to Great Britain by the Convention of 1818." His Government had been led, he continued, by urgent representations from the governors of the provinces, to give directions "for stationing, off New Brunswick, Nova Scotia, Prince Edward's Island, and the Gulf of St. Lawrence, such a force of small sailing-vessels and steamers as shall be deemed sufficient to prevent the infraction of the treaty."

The truth is, that, in 1845, during some negotiations on this subject, while the two Governments maintained their opposite constructions of the Convention of 1818, on the point of right, the British ministry of that day instructed their colonial authorities that they had determined to relax the strict rule of exclusion over the fishing-vessels of the United States entering the bays of the sea on the British North American coasts.[1] Under this relaxation of the British claim, the American fishermen had continued to the present time to enter all the great bays which were more than six miles wide at their mouths, but keeping at a distance of more than three miles from the shore of the bay. In this attitude of things, it was now claimed that the American fishermen could not approach

[1] Dispatch from Lord Stanley, Secretary for the Colonies, to the Governor of Nova Scotia, May 19, 1845.

within three miles of a line drawn across the entrance of such bays from headland to headland; and a squadron of nineteen vessels was sent from England to enforce this exclusion, at the moment when our fishermen were about to sail on their accustomed cruise.

Mr. Crampton was directed to give notice of this exclusion to the American Government. But, before Mr. Webster received the notice, intelligence of what was contemplated reached him from the British provinces. He at once proceeded to take the necessary steps to meet a hazardous conjuncture. On the 17th of July he wrote to the President, and, on the same day, he sent for Mr. Crampton to meet him in Boston or at Marshfield.

[TO THE PRESIDENT.]

"FRANKLIN, *July* 17, 1852.

"MY DEAR SIR: The interruption of the usual occupation of our fishermen in the British provinces is a very serious business. I fear much difficulty may arise from it.

"Following your suggestion to Mr. Hunter, I have prepared a paper, which will appear in the newspapers, in this part of the country, immediately; and have directed its publication in Washington. I hope you will approve of it. If I felt well enough and strong enough, I would proceed immediately to Washington; but I do not. I wrote to-day a letter to Mr. Crampton, a copy of which I now enclose to you. We shall be obliged, I am persuaded, to look up this business of the fisheries, as well as the whole subject of the Canadian trade, as matter of negotiation. Congress will never do any thing. I will thank you, at your earliest convenience, to signify to me your wishes and your opinions.

"I leave these mountains and valleys with great reluctance, but it seems to be necessary. Yours, always truly,

"DANIEL WEBSTER."

[TO MR. CRAMPTON.]

"FRANKLIN, *July* 17, 1852.

"MY DEAR MR. CRAMPTON: The threatened interruption, by force, of that enjoyment of the fisheries which the fishing-vessels of the United States have so long practised, and possessed without interruption or molestation, is a serious affair, and, I fear, full of danger. I wish to see you as soon as you can possibly come North. If I am not in Boston, at the Revere House, please proceed immediately to Marshfield, bringing with you as many of your adjuncts as you please.

"I have recommended to the President that we take up the whole subject of the fisheries and the Canada trade at once, as matters of negotiation

"You will see, in the Boston papers of Monday, an official publication by me. Is it not possible for you to prevail with the provincial authorities to institute no hostile proceedings against American fishing-vessels till longer notice be given, and until you and I may have conferred together on the subject?

"I am anxious to see you at once. On receipt of this, inform me, by telegraph, when you can be in Boston.

"I am, with great regard,

"Yours, always truly,

"Daniel Webster."

On the 19th, Mr. Webster caused to be published, in the *Boston Courier*, a paper which was dated in the Department of State as of the 6th of July, and which was signed by himself. It gave to the public information respecting the seizures which had been made, the action of the colonial governments, and the announcements received from England. With regard to the construction of the treaty, he said it was "undoubtedly an oversight in the Convention of 1818 to make so large a concession to England, since the United States had usually considered that those vast inlets, or recesses of the ocean, ought to be open to American fishermen as freely as the sea itself, to within three marine miles of the shore."

The closing paragraph of this paper is as follows:

"It is this construction of the intent and meaning of the Convention of 1818 for which the colonies have contended since 1841, and which they have desired should be enforced. This the English Government has now, it would appear, consented to do, and the immediate effect will be the loss of the valuable fall fishing to American fishermen; a complete interruption of the extensive fishing business of New England, attended by constant collisions of the most unpleasant and exciting character, which may end in the destruction of human life, and in the involvement of the Government in questions of a very serious nature, threatening the peace of the two countries. Not agreeing that the construction, put upon the treaty, is conformable to the intentions of the contracting parties, this information is, however, made public, to the end that those concerned in American fisheries may perceive how the case at present stands, and be upon their guard. The whole subject will engage the immediate attention of the Government."

Mr. Webster's purpose, in sending for Mr. Crampton, was to enter at once upon a negotiation which should embrace a settlement of the fisheries and of the trade between the British

provinces and the United States, as parts of one subject. Mr. Crampton arrived in Boston on the 24th of July, and was to follow Mr. Webster to Marshfield. On the 25th Mr. Webster left Boston, and, when he alighted from the train at Kingston, nine miles from his own house, he found a great gathering of his neighbors and the people of the surrounding country prepared to escort him home. For miles on either side of the route, the road-sides were lined with women and children, the male part of the population having mostly joined the procession, consisting of more than a hundred and fifty vehicles, many persons on horseback, and some on foot.

Mr. Charles Henry Thomas, in an account, which he gave in the next year after Mr. Webster's death, and which was then written down, and is now before me, said:

"When he arrived at Kingston, the day of his reception here, he was put into a carriage with Mr. Sprague. I was in one behind, with the committee. He sent for me, and asked me what was our plan. I told him we were going to a hill by the house, but that we would turn off before we came to the avenue, to save all disturbance at the house. 'Henry,' said he, very emphatically, 'these people all want to go to the house, and they *must* go.' I told him he didn't know how many there were; that the avenue would be torn to pieces. 'I don't care,' said he, 'if they tear up the avenue and grounds six feet deep; I don't care—they *must go*.' He was very much moved and gratified by the whole thing; and well he might be. It was a spontaneous, hearty expression of good feeling and interest for him, entirely without distinction of party. The procession of vehicles was two miles long, and there were eighty more men on horseback. He could see the length of it in some turns of the road."

According to Mr. Webster's wishes, the procession entered the avenue leading to his house, and, by a circuitous route, passed around the house to a hill to the eastward, where a platform had been erected. Here he was welcomed by Mr. Seth Sprague, one of his neighbors, who said:

"When political parties, with whom you have contended, shall have passed away, when private prejudices and private interests shall be hushed in the silence of the grave, posterity will award you the full measure of justice. As your friends and neighbors, we tender you our most sincere and profound respects. We thank you for what you have done for agriculture. We thank you for the valuable time you have devoted, amid all your toils and labors, to the science of cultivating the earth; for the valu-

able animals you have, at so great a sacrifice, imported and raised to improve our flocks and herds. We regret our slowness to see and appreciate the value of your example. We are beginning better to understand our business. We have learned that science is as important to the farmer as to the more learned professions. We hope that you may live long to teach us the art of using the ploughshare instead of the sword, and the pruning-hook rather than the spear.

"Permit me, sir, to say, there is a Providence in the affairs of nations and the lives of men. This nation may be punished for her sins, while that all-seeing Eye may be guiding you by an unseen hand in the only path that can make your remaining days tranquil, peaceful, and happy."

Mr. Webster, in response, spoke to the following effect:

"Mr. Sprague and Friends: I thank you from the very bottom of my heart for this warm welcome home, which so many of you have assembled to offer to me to-day. It was unexpected. I had not looked for such a testimonial of your regard. But it draws from me, as it ought to draw, the most grateful acknowledgments of my heart. It is not the display of vehicles, nor the numbers of your cavalcades, but the fact that you, among whom I have so long lived and dwelt, and who know me so well, have manifested such esteem, that calls forth my gratitude; and I pour out to your friendship, neighbors, from the bottom of my heart, the feelings of mutual and reciprocal regard; and it is my sincerest prayer that Almighty God will preserve you and yours in prosperity and happiness.

"Friends and neighbors, it is now twenty years that I have been in the midst of you, passing here, on the side of the sea, all that portion of the year in which I have been able to enjoy some relaxation from the cares of my profession, or the duties of public life. Happy have they been to me and mine, for, during all this period, I know not of an unkind thing done, or word spoken to me or mine, or to any one near or dear to me.

"Gentlemen, most of you are farmers, and I take a great concern in your interests, because I have a wish to promote the general prosperity of the whole country. Others of you have your occupations on the seas. Some of you I have found there, and have had the pleasure to mingle in your pursuits; a pleasure I hope to enjoy again.

"Gentlemen, Mr. Sprague has been pleased to refer to recent occurrences. As to some of them, or, at least, to one, it may not be fitting in me to say one word now. The time has not yet come. But I would say, I may venture to hope, without presumption, that I am not entirely unknown at home or abroad. [Cries of 'No, no!'] And, I say, further, if I have any thing good or valuable, I hold it in my own keeping, and will not trust it to the waywardness of others.

"Friends and neighbors, the time when you offer me this welcome is not altogether inappropriate. I am about to be among you. The place I

occupy must soon be vacated in the ordinary course of events; and it may be vacated very shortly. I am sensible of the kind manner in which the events of my life have been recited. I am willing to admit that I am glad to receive the approbation of my countrymen in any manner they may be disposed to express it. I am willing to believe, in relation to the occurrences alluded to by Mr. Sprague, that, by the blessing of Providence and the favor of my countrymen, I have done something to uphold the Constitution and liberty, and maintain the rights of my country. There is an end to all human labors and efforts. I am no longer a young man; but I am thankful, nevertheless, for the measure of strength I still have. I hope to enjoy the pleasure of your kindness and society for some years to come, if such may be the pleasure of the Almighty.

"Mr. Sprague has made allusion to recent occurrences, threatening disturbances on account of the fisheries. It would not become me to say much on that subject until I speak officially, and under direction of the head of the Government. And then I shall speak. In the mean time, be assured that that interest will not be neglected by this Administration under any circumstances.

"The fishermen shall be protected in all their rights of property, and in all their rights of occupation. To use a Marblehead phrase, they shall be protected hook and line, and bob and sinker. And why should they not? They employ a vast number. Many of our own people are engaged in that vocation. There are perhaps among you some who have been on the Grand Banks for forty successive years, and there hung on to the ropes in storm and wreck.

"The most important consequences are involved in this matter. Our fisheries have been the very nurseries of our navy. If our flag-ships have conquered the enemy on the sea, the fisheries are at the bottom of it. The fisheries were the seeds from which these glorious triumphs were born and sprung.

"Now, gentlemen, I may venture to say one or two things more on this highly-important subject. In the first place, this sudden interruption of the pursuits of our citizens, which had been carried on more than thirty years without interruption or molestation, can hardly be justified by any principle or consideration whatever. It is now more than thirty years that they have pursued the fishing in the same water, and on the same coast, in which, and along which, notice has now come that they shall be no longer allowed these privileges. Now, this cannot be justified without notice. A mere indulgence of so long continuance, even if the privilege were but an indulgence, cannot be withdrawn at this season of the year, when our people, according to their custom, have engaged in the business, without just and seasonable notice.

"I cannot but think the late dispatches from the Colonial Office had not attracted to a sufficient degree the attention of the principal minister of the Crown, for I see matter in them quite inconsistent with the arrangement made in 1845 by the Earl of Aberdeen and Edward Everett. Then

the Earl of Derby, the present First Minister, was Colonial Secretary. It could not well have taken place without his knowledge, and, in fact, without his concurrence or sanction. I cannot but think, therefore, that its being overlooked is an inadvertence. The Treaty of 1818 was made with the Crown of England. If a fishing-vessel is captured by one of her vessels-of-war, and brought in for adjudication, the Crown of England is answerable, and then we know who we have to deal with. But it is not to be expected that the United States will submit their rights to be adjudicated upon in the petty tribunals of the provinces, or that they will allow our vessels to be seized by constables and other petty officers, and condemned by municipal courts of Canada and Newfoundland, New Brunswick, or Nova Scotia! No, no, no! [Great cheering.] Further than this, gentlemen, I do not think it expedient to remark upon this topic at present; but, you may be assured, it is a subject upon which no one sleeps at Washington. I regret that the state of my health caused my absence from Washington when the news came of this sudden change in the interpretation of treaties. My health requires relaxation. I shall feel it my duty, as soon as my health and strength will justify me in undertaking the journey, to return to my post, and discharge the duties devolving upon me to the best of my abilities.

"And now, gentlemen, I consider the welcome you have to-day given me as a personal kindness—a tribute of personal regard. I have always found your houses, your hearts, and your hands open to me; and, I trust I may say, that you have never found my own closed against you, whether calling upon business or for the purpose of social intercourse and good neighborhood.

"Gentlemen, I deem it a great piece of good-fortune, coming from the mountains as I did, that I came where I did; that, when I came from the mountains, I descended to the sea-shore. Many people, when they come down here, wonder what in the world could have induced Mr. Webster to come to Marshfield. I answer, partly good sense, but more good fortune. I had no particular fancy for rich lands, but I had for a kind neighborhood; and myself and friends, when I came here, had a well-understood covenant, that I would talk to them about farming, but not a word about law or politics.

"You have kept your word, and I hope I have kept mine; and now, my friends and neighbors, accept from a grateful heart my warm acknowledgments that you have come here with countenances so open, so frank, to give me the assurance of your perennial regards and continued friendship.

"Again I thank you with all my heart, and my prayers are that the Almighty Power will preserve you, and shower down upon you and yours the blessings of happy affection and peace and prosperity!"

Mr. Charles Lanman, who was with Mr. Webster at this time, as his secretary, has sent me a short account of this interesting incident:

"As to the manner in which he was received by his friends and neighbors at Marshfield, during the summer of 1852, it was grand and enthusiastic beyond description, and only to be compared with the demonstration made in honor of his arrival in Boston a short time before. A procession, consisting of thousands of his neighbors, without respect to party, met him at a point nine miles distant from his residence, and escorted him home, while the road was literally lined with women and children, gathered to welcome the man they loved; and garlands without number were scattered along his pathway. Upon a hill, in the immediate vicinity of his mansion, the great concourse came to a halt, and they delegated an orator to welcome him with a speech. To the many, his reply was beautiful and appropriate, but to the few, who lived in his shadow, there was a tone of sadness in all he uttered. He finished his address just as the sun was setting, and it was the last he ever uttered to a public assembly. And now I remember how, after the crowd had disappeared, he entered his house fatigued beyond measure, and covered with dust, and threw himself into a chair. For a moment his head fell upon his breast, as if completely overcome, and he then looked up, like one seeking something he could not find. It was the portrait of his darling, but departed daughter, Julia, and it happened to be in full view. He gazed upon it for some time in a kind of trance, and then wept like one whose heart was broken, and these words escaped his lips: '*O, I am so thankful to be here! If I could only have my will, never, never would I again leave this home.*' And then he sought and obtained a night of repose."

It was now Mr. Webster's intention to proceed to Washington, so soon as he should have recovered health and strength enough to encounter the journey. The President was anxious to have the negotiation with Mr. Crampton conducted there; and he was not willing to have Mr. Webster leave the Department of State, unless he would consent to accept the English mission, then likely to be vacant by the return of Mr. Lawrence, in which case he could settle all the pending business in England relating to the fisheries and the other topics. This plan was, for a short time, under consideration; but, on the 25th of July, Mr. Webster informed the President that he could not think of it.

[TO PRESIDENT FILLMORE.]

"MARSHFIELD, *July* 25, 1852.

"MY DEAR SIR: There are two subjects about which I wish to speak to you, and I will write about one of them with my own hand for secrecy's sake.

"I have made up my mind to think no more about the English mission. My principal reason is, that I think it would be regarded as a

descent. I have been among the candidates for the first office, and, not having been nominated for that, I think it proper to decline any secondary place. I have been accustomed to give instructions to ministers abroad, and not to receive them. Besides, if I am in England after the 3d of March, I should feel myself to be in the hands of an unfriendly administration. I have no doubt Mr. Pierce would be inclined to treat me with kindness, but how can I know which member of the family of Young America may hold the seals of the Department of State?

"On the first point there is a precedent. Mr. Canning, having been Secretary of State for Foreign Affairs, afterward took an embassy to Portugal for a short time. The press and the opposition in Parliament assailed him furiously. They denounced it as a job; and I think his character suffered from it with the better part of the English people.

"I find almost an entire concurrence of opinion among friends on this question; and, therefore, you will now consider the mission as at your disposal.

"The other topic upon which I ought now to say something is my continuance in office or resigning it, and, if the latter, at what time?

"On this I will try to write to-morrow.

"Yours, always truly,

"Daniel Webster."

On the following day, Mr. Webster offered to place his resignation in the hands of the President, if his convenience and the public interest would be promoted by so doing.

[TO PRESIDENT FILLMORE.]

"Marshfield, *July* 26, 1852.

"My dear Sir: I feel obliged to regard it as a settled thing that I ought not to think of passing the ensuing hot months at a table of a department in Washington. You know how very ill I was when I left Washington last summer, and how severe, though rather a short, attack of catarrh I afterward suffered. I should feel in imminent peril if I were to undertake to work through August and September as I have heretofore done.

"This being settled, the question is, What is it best to do thereupon? and when I say what is best, I mean best for you, and the success and honorable winding up of your Administration. I will say, in the first place, what I think I can do. I think I could go to Washington some ten days hence, if there should come, as probably there will, a cool time in the weather, and there remain a few days, but not until the adjournment of the session, as I suppose Congress will not adjourn until September, and my catarrh comes on the 22d or 23d of August; and I could return to Washington, as soon as my attack should be over, for the winter.

If Congress were away, all this might be done; but I fear that Congress, being in session, some of the Messrs., who are among its members, would abuse both you and me if I should have so long an absence. While I retain my place, I shall be here or at Washington, although I have sometimes spoken of going to the British provinces, to try the effect of a more cool and moist climate, and could, I suppose, carry on affairs, being here, without great inconvenience. The danger and the objection are the fear of complaint and reproof in Congress. Now, acting from purely personal motives regarding my health, and, independent of all other considerations, it would suit me as well as any way to resign at once, without going back to Washington at all, although I confess I should be willing, on divers accounts, to be in Washington from the commencement of cool weather till the 3d of March.

"I wish, my dear sir, that you would consider these matters, and signify frankly your own opinion and your own wishes. Or, if you should be of opinion that it would be convenient to defer a final decision, then, as I have said, I will go to Washington to see you some ten days hence, if I feel strong enough, and the weather should not be too intolerable.

"Yours always truly,

"DANIEL WEBSTER."

The President earnestly desired Mr. Webster to remain in office, and to come to Washington only whenever his health would permit.

On the 4th of August I made a short visit to Marshfield, and found Mr. Webster about to proceed to Washington on the next day, for the purpose of resigning his office, if an arrangement could be made to fill it. On the previous evening he had received a letter from the President, saying that he was surrounded by embarrassments, and asking Mr. Webster's advice and aid. It was therefore Mr. Webster's intention to go to Washington, and, if possible, after affording to the President all the assistance he could, in the course of ten days, to obtain his own release, if the President could fix on a suitable successor. When I asked him if he could leave the fishery question as he wished to leave it, he said that he should be glad to settle it, and could do so before Mr. Fillmore's Administration would end in the following March, but that he should not remain in office on that account, if the President would consent to have the negotiation undertaken by some one else. Mr. Crampton, who was then with Mr. Webster as a guest, talked with me very frankly about this affair, and said

that it could be, and no doubt would be, adjusted to the satisfaction of both nations, if Mr. Webster remained in office to do it.[1]

On this occasion, I had also some conversation with Mr. Webster concerning his own political position and that of his friends. It was the first time I had been with him in private since the Baltimore Whig Convention had made its nomination; and I was aware that he desired to speak with me concerning some political movements which were then going on respecting himself, and also to make known to me his purposes in regard to the approaching election. Some explanation of the attitude of political affairs at this precise time is therefore essential to the correct understanding of what he said to me.

That the action of the Baltimore Convention had produced great dissatisfaction throughout the Whig party of the country I have already said. This dissatisfaction, in the early part of the summer, took a somewhat active form in the States of New Jersey, Pennsylvania, Georgia, Tennessee, North Carolina, and Massachusetts. But it could not take the shape of an organ-

[1] Mr. Webster had, in fact, already settled the fishery question in one and the most important sense; for, by promptly issuing the document which he published on the 19th of July, and by sending for Mr. Crampton, and receiving him at Marshfield for consultation on the whole subject, he made it manifest to both nations that he did not intend to allow a hasty and ill-advised step of the British Ministry to imperil their peaceful relations. The dangers of a collision were thus at once arrested. It was, however, afterward charged in the English press, and, subsequent to Mr. Webster's death, it was more distinctly charged by Lord Malmesbury, in the House of Lords, that Mr. Webster was responsible for the alarm felt in this country; and that he was, perhaps, actuated, in publishing the paper of July 19th, by electioneering motives. All this was attributable to the inexact attention which is often given in England to American affairs. Mr. Webster was at this time not only no candidate for the presidency, but he had in no way permitted it to be understood that he was in favor of the election of General Scott, or meant to promote the success of either of the two parties. The information received from the British provinces, before Mr. Crampton's notice had actually reached Mr. Webster, was of a very alarming character; and that notice was not calculated to relieve the apprehension. What Mr. Webster had to do was to prevent our fishermen from sailing without due intelligence of the altered state of things in the waters where they had been accustomed to pursue their vocation; and he could only do this by a public warning. What he had next to do was to bring Mr. Crampton at once into personal communication with himself. There never was a moment in Mr. Webster's life, when he stood more absolutely independent of all political considerations and influences than he did in the summer of 1852. He felt perfectly indifferent about the success, in the election, of the party with which he had acted. But, while he remained Secretary of State, he intended to keep England and America out of unnecessary national difficulties.

ized political movement that would afford the people an opportunity of giving their votes to Mr. Webster, with any prospect of producing an important expression of popular feeling, without his direct consent and approbation. Accordingly, multitudes of letters came to him with every mail, beseeching him to become an independent candidate for the presidency, so that there might be encouragement for the nomination of the requisite lists of electors in the different States. But he had replied to none of these solicitations when I saw him on the 4th of August. His friends in Massachusetts had hitherto held back from presenting him as an independent candidate, waiting for that step to be taken in other States.

On the other hand, gentlemen, in different parts of the country, for whom he had great personal regard, and with whom he had long been politically associated, appealed to him in the most earnest, but also in the most deferential manner, not to withhold his powerful aid from the "regular nomination" of a party for whose success they were deeply interested. In every variety of form, that was consistent with veneration for his character and his intellect, these solicitations were pressed, until at one time, in the eagerness of excited feeling, they produced the wholly unfounded rumor that Mr. Webster had given his adhesion to the Baltimore nomination.

In his conversation with me, in reference to this state of political affairs, Mr. Webster said that he should not encourage or invite any movements designed to make him an independent candidate for the presidency, nor should he interfere to prevent any portion of the people from casting their votes for him, if they should see fit to do so. In regard to the sanction which he was asked to give, on party grounds, to the Whig nomination, he said that he could not approve of it, and that he would not profess to regard it as a wise and proper step. He said that, as a public man, he was bound to look forward to what must inevitably happen, after the pending election; that the Whig party would become "withdrawn into the North;" that no party which did not extend throughout the Union could safely and beneficially administer the Government of the United States; that the time was near at hand when there could be no political organization in the Southern States of any importance, ex-

cepting the Democratic party; and that he regarded it as a great evil, and one of ominous import, to have the Whig party become a Northern sectional organization, leaving the whole people of the South to act only with the Democratic party. This evil, however, he said that he was now powerless to prevent, because he could not tell the people of the country that the great policy of the "Compromise Measures" would be safe in the hands of those who had brought about the nomination made by the Whigs. He ended by saying that he wished his friends in Massachusetts not to undertake any movement for making him a candidate in the election.[1]

Mr. Webster went to Washington during the first week in August, and remained there until the 8th of September. Nothing could be done about supplying his place in the Department of State, and he therefore consented to remain in office, and to continue at Marshfield his attention to the diplomatic business that required his care. But, before he left Washington again, he was obliged to dispose of an embarrassing subject. This was the affair of the Lobos Islands.

On the 2d of June (1852), Mr. Webster had received a letter from Mr. Jewett, master of a vessel just returned from the Pacific, stating that he should have brought a cargo of guano from the Lobos Islands, if he had been sure that he had a right to do so, and would be protected by the Government. He was informed, he said, that no government had any rightful claim to these islands, and that they had never been enumerated among the possessions or dependencies of any of the South American States. He then asked whether, "in common with the world, we have a right to take this article of commerce from thence?"

Mr. Webster replied, on the 5th of June, that these islands were not within a marine league of the coast, that they were not discovered or occupied by Spain or Peru, and that the Peruvians had not been in the habit of resorting thither for guano, and, therefore, the islands could not be regarded as within the jurisdiction of that country. Furthermore, he said that it was quite probable that Benjamin Morrell, who had visited these islands

[1] A little later, a ticket of "Webster Electors" was nominated in Massachusetts; but he gave no countenance to the movement.

in 1823, and subsequently written an account of them, could justly claim to be the discoverer. "Under these circumstances," he said, "it may be the duty of this Government to protect citizens of the United States who may visit the Lobos Islands for the purpose of obtaining guano." He offered to suggest to the Secretary of the Navy that a vessel-of-war be ordered "to repair to the Lobos Islands, for the purpose of protecting from molestation any of our citizens who may wish to take guano from thence."

Mr. Jewett's letter was sent to the Secretary of the Navy with the promised suggestion, and Commodore McCauley, of the Pacific squadron, was directed to send a vessel to the Lobos Islands to protect our citizens and commerce.

When matters had reached this point, Mr. Osma, the Peruvian Minister at Washington, sent to Mr. Webster three successive communications, in which he claimed that the Lobos Islands belonged to Peru, and undertook to show various acts of sovereignty which that country had exercised over them from the time of the early conquest of Pizarro. Mr. Webster answered these several letters on the 21st of August. His purpose in this answer was, to lay down the principles on which the right of Peru to these islands must be shown. It was his last diplomatic production that took an official form.

[TO MR. OSMA.]

"DEPARTMENT OF STATE, WASHINGTON, *August* 21, 1852.

"The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the several communications of Mr. Osma, *charge d'affaires* of Peru, of the 25th June, 3d July, and the 9th instant. The first mentioned of these communications, however, did not come to his knowledge until the 6th of July, after he had left Washington for a short absence. He very much regrets that circumstances have prevented an earlier answer to these several communications; but, as they all relate to the same subject, all will now receive a common reply.

"In the first place the undersigned will remark to Mr. Osma, that the Government of the United States has not now, nor ever has had, any intention to facilitate the particular purposes of any persons, such as Mr. Osma calls speculators, further than those purposes are conformable to public law as well as to the laws of the United States. This Government knows of no companies, no associations, and no individuals, in whose behalf it undertakes any special protection. The question is a general one, in which

all the citizens of the United States engaged in commerce have an interest, and that interest is equally respected by the United States regardless of individuals.

"In the next place, the undersigned expresses the hope that it was not Mr. Osma's purpose, by any expression in his note of the 9th inst., to convey any intimation that the proceedings of this Government in regard to the subject have been influenced in the slightest degree by any conviction of the relative strength or weakness of the parties. Such an intimation, if intended to be made, would require no refutation; since all the world knows the manner in which the republics of South America, formed out of the ancient possessions of Spain, have been treated by this Government from their earliest origin to the present day.

"The undersigned will make a further remark, to prevent mistake and misunderstanding, upon Mr. Osma's observation upon the conversation between him and the undersigned in the Department of State, on the 2d of July, and that is, that the supposed discovery of Captain Morrell, mentioned in that conversation, was not relied upon by the undersigned as founding an exclusive right to the Lobos Islands on the part of the United States. It was only mentioned as a fact, fit to be considered in common with other facts and occurrences. The truth appears to be that Captain Morrell was on a voyage of discovery, and did in fact discover, or was supposed to have discovered, guano in these islands. It is certain that no book generally known and circulated in this country mentioned the fact of the existence of guano on these islands, until Captain Morrell's narrative was published in 1832.

"After these preliminary remarks, the undersigned now proceeds to the consideration of the main subject. In his several communications Mr. Osma asserts the right of Peru to all the Lobos Islands on the ground that she has always exercised authority over them; that they belong to Peru as they formerly belonged to Spain; that from time immemorial the Peruvian Indians have been in the habit of visiting them for the purpose of catching seals, killing birds, and gathering eggs, and that this exclusive right to these islands by Peru has never been doubted or disputed.

"The question is, are these unqualified declarations of Mr. Osma strictly accurate? The Lobos, or Seal Islands, as their name imports, lie in the open Pacific Ocean, the nearest of them twenty or thirty miles from the coast of Peru. They are—as Mr. Osma admits—mere barren rocks in the sea, uninhabited and uninhabitable. Fisheries, and the pursuit of amphibious animals, especially the seal, have long been carried on around their shores, and even on the shores themselves, since it is well known that seals are usually taken and killed on the land. In these pursuits, and in this use of the islands, citizens of the United States were engaged for half a century, before any actual interruption took place by the Peruvian Government, or anybody else—their visits to them having commenced at least as early as 1793. All this is well known in the commercial world. Now, it is quite certain that, if Peru held and possessed full sovereignty over

these islands, this fishing near the shore, and this pursuit and killing of amphibious animals upon the land, were as much an invasion of that sovereignty as is the taking of guano from them now. Nor was the case so unimportant as that Peru might have regarded this use of the islands by citizens of the United States as an indulgence merely—supposing her to possess the exclusive right—since the pursuit and destruction of seals, which have at last terminated in their almost entire disappearance, must have been a matter of much importance to that Government. Nevertheless, no complaint was made of this course of things, nor any interruption attempted or threatened until September, 1833, in which month, as it would now appear, a decree was issued by the Peruvian Government, prohibiting foreigners from fishing for seals and amphibious animals on the shores and islands of Peru, and declaring that the captains of foreign vessels who evaded the order should be considered as smugglers. It is important to observe that this decree was issued after the publication of Captain Morrell's narrative.

"This decree was sudden and unexpected, and, therefore, the foreign *chargé d'affaires* of the United States at Lima was under the necessity of acting upon it without orders from his own Government. He immediately addressed a note on the subject to the Minister of Foreign Relations of Peru, in which, without formally denying the original right of Peru, he requested a reconsideration of the decree, or that it might be so far modified as to permit to the citizens of the United States the pursuit of an occupation which they had been allowed quietly to follow for a number of years; and adding that the decree could not but be regarded as unfriendly to the Government of the United States.

"So far as is known to the undersigned, no answer or reply was ever made to this remonstrance; and it is certain that the citizens of the United States continued to pursue their usual avocations without interruption, notwithstanding this decree. If such an interruption had been made by the Peruvian authorities, it would at once have brought the question of the sovereignty of Peru over the Lobos Islands to the attention of this Government, as happened a few years before in the case of the right of the Government of the Argentine Confederation to claim sovereignty over the Falkland Islands. It is true that the decree of 1833 makes no particular mention of the Lobos Islands, but it is directed generally against fishing on the coasts and islands of Peru. Nevertheless this cannot be regarded as affecting the general right of citizens of the United States founded on long and undisputed usage.

"Here, then, is a formal remonstrance on the part of the Government of the United States against the asserted sovereignty of Peru over the Lobos Islands, to which no answer, so far as it appears, was given, nor any intimation made that, notwithstanding this remonstrance, the decree would be enforced. It is quite evident that, although the decree was general in its terms, it was intended to be levelled especially against citizens of the United States, as the subjects of other countries did not partake to any

considerable extent in the fisheries which were prohibited. Can Mr. Osma's averment, therefore, be maintained, in which he asserts the universal and absolute sovereignty of Peru never to have been denied or questioned by any government? And, if Peru has suffered these barren rocks to be visited and used by citizens of the United States for a long course of time, and for all the purposes for which they were known to be valuable, is the case altered when they are found capable of a new use? Is not the natural inference either that Peru never claimed an exclusive right over the islands, or that, if such claim had been made by any formal or official act of the Government, such claim had been abandoned, at least so far as citizens of the United States were concerned.

"Mr. Osma refers to a decision of the English Government, and observes that, as both the mercantile and agricultural classes of the British Empire have a strong interest adverse to the claim of Peru, if the British Government has decided in favor of that claim, that decision must be ascribed to considerations sufficient to outweigh a regard for the interests of British farmers and ship-owners. But the two cases may justly be considered as essentially different. When the decree of 1833 appeared, Mr. Wilson, the Consul-General at Lima, in a communication to his Government, said: 'For many years no British vessel has been engaged in this fishery, but great abuses have been committed by American vessels;' and the year afterward, writing upon the subject of the seizure of the British Schooner Campeadora, for killing seals at the Lobos Islands, he admitted the right of Peru to those islands. At the same time, he adds: 'Lord James Townshend, the commander of his Majesty's naval forces in the Pacific, takes a different view of the question, and he himself told me that he considered that his Majesty's subjects had a positive right of fishing in all those islands, unless they should be actually occupied by some Peruvian authority, or protected by the constant presence of some Peruvian man-of-war, to warn off vessels.'

"It will be borne in mind that, when the case of the Campeadora occurred, the use, and perhaps even the value, of guano as a manure was unknown in England. Before that case was decided, however, the British Government may be said to have been irrevocably committed to an acknowledgment of the right of Peru to the Lobos Islands, by their acquiescence in the opinion expressed by Mr. Wilson, their diplomatic agent, and the answer to that communication from the Foreign Office; for, in that answer, under date of the 30th of August, 1834, Lord Palmerston said: 'It would, therefore, appear that the Peruvian Government have a right to prohibit foreign vessels from fishing upon the coasts immediately adjoining those islands, as well as upon the coasts of Peru itself, there being no evidence in the papers which you have transmitted of any right of fishing acquired by long and uninterrupted usage.'

"It is clear, therefore, that the British Government yielded the point precisely because it had no such ground to stand on in behalf of its own subjects as the Government of the United States does possess, and may

well stand on in behalf of its own citizens. And it may be regarded as a question still open in England down to last year, for, on the 10th of May of that year, Lord Stanley, Under Secretary of State for Foreign Affairs, in answer to a letter from Mr. Wentworth Butler, says: 'I am to state to you, in reply, whether the islands of Lobos Fuera and Lobos de Tierra belong of right to Peru, or are claimed by Peru as dependencies.' His lordship does not find, in the Peruvian Constitution, published after Peru had separated itself from Spain, any mention of those islands as being dependencies of Peru; but that it had appeared to Lord Palmerston that the proximity to Peru would give to that State a *prima facie* claim to them.

"Now, it is certain that the fact does not, under the rule of public law, bear out this last observation of Lord Palmerston, because the distance from the shore of all these islands is five or six times greater than the three marine miles extend. It may be here added, that it is well understood that a powerful class of British subjects, distinct from those of merchants and farmers, has a vital interest in maintaining the regulations for the export of guano from Peru upon their present footing. It may not be entirely satisfactory, therefore, to take the case of the Campeadora, or that of the Hibernia, which afterward occurred, alone into consideration, in endeavoring to account for the policy which the British Government has thought proper to adopt in regard to this subject. However this may be, it is quite clear that the English case and the American case are quite different, for the reasons already stated. As has been shown, the representative of the American Government, in Peru, remonstrated against the issuing of the decree of 1833. And it is a consideration of very great weight in this case, that the main object of that decree, as it fully appears, was to drive off from the coasts and islands of Peru, including, of course, those of Lobos, the fishing-vessels of the United States. Now, if such were the sole or principal object of the decree, and the agent of the United States formally remonstrated against that decree, how are the subsequent conduct of Peru and her entire silence to be reconciled with the idea that she really supposed herself possessed of absolute sovereignty over those islands? She certainly made no attempt to enforce that decree against the vessels or citizens of the United States, but suffered things to go on as they had gone on through a long course of years.

"The undersigned has thus far spoken of the actual facts and continued usage which he supposes to belong to the just consideration of this case.

"Mr. Osma, in his recent communication, refers to the authority of Alcedo, to prove that those islands are within the sovereignty of Peru, and have always been so considered. In the decision of a question purely geographical, relating to any part of the American hemisphere, and especially to that formerly under the dominion of Spain, the undersigned acknowledges that Alcedo is entitled to almost implicit confidence; but, in the passages to which Mr. Osma refers, he was speaking merely geographically. He was not discussing any question of right, founded either on discovery or usage, or any other political consideration; and if, as Mr.

Osma says, that great geographer, in speaking of the Lobos Islands, uses words plainly, or by implication, assigning to Spain the sovereignty over these islands, this may be ascribed to his loyalty as a Spanish subject and an officer in the king's service, a sentiment which would not allow him to entertain a doubt of the right of his sovereign to any region which he might claim, by whatever title. Alcedo, therefore, described the Lobos Islands as belonging to the coast, and to a particular province of Peru. The fact that they are islands, however, leaves the question open as to the distance between them and the coast of Peru, and he seems to have taken it for granted that, because they happened to be nearest to the province of Saña, they were necessarily included within the limits of that province; a proposition which cannot be supported.

"In this case, therefore, the authority of Alcedo cannot be regarded as decisive. In order that it should be so considered, the undersigned must be informed what acts of jurisdiction his Catholic Majesty exercised over these islands. The occasional visits of the Indians from the neighboring continent, to which Mr. Osma refers, cannot be said to have imparted to the Sovereign of Spain, or the Government of Peru, even as good a title to those islands as the habitual resort thither of the vessels of the United States, and so long and uninterruptedly continued for the purpose of capturing seals on their shores, and whales in the adjacent ocean, would give to the United States. The use of these islands by the Peruvian Indians for the last half century has no doubt been vastly less than by the citizens of the United States; and, upon the ground of Mr. Osma's argument, a better title could be asserted by possession on the part of the United States than could be maintained by Peru.

"The undersigned freely admits that acts of the Peruvian Government, founded on supposed rights, when not objected to, are fit to be regarded as having more or less weight on the question of right, so far as that right depends upon possession. If, therefore, it be asked, why this Government did not also protest against the Peruvian decrees of the 21st of March and 10th of May, 1842, in which, by the fifteenth article of the former and the third article of the latter, the penalty of confiscation is denounced against any national or foreign vessel which shall anchor at or approach the islands or places in which there may be guano, without the usual license from the authorities empowered to issue the same, it may be answered, that the very existence of those decrees was not known to this Government until they appeared in the British parliamentary documents, on the subject of the Lobos Islands, presented to the House of Commons on the 14th day of May last. There is nothing which the undersigned can find in the dispatches of the *chargé d'affaires* of the United States, at Lima, to show that the decrees were communicated to, or known to, him. If these decrees had been known to him at an earlier date, they would have received the attention of this Government.

"As to the claim of Peru to these islands, founded on the law of proximity, the question will appear to be free from doubt. The well-settled

rule of modern public law on this point is, that the right of jurisdiction of any nation, whose territories may border on the sea, extends to the distance of a cannon-shot, or three marine miles from the shore, this being the supposed limit to which a defence of the coast from the land itself can be extended. The whole discussion, therefore, must turn upon this, viz., the Lobos Islands lying in open ocean, so far from any continental possessions of Peru as not to belong to that country by the law of proximity or adjacent position, has the Government of that country exercised such unequivocal acts of absolute sovereignty and ownership over them as to give to her a right to their exclusive possession, *as against the United States and their citizens*, by the law of undisputed possession? And the undersigned repeats that this is not a question between Peru and other governments, who may have more or less distinctly admitted her right, but it is a question between Peru and the United States, who have so long exercised that right, and remonstrated against its interruption.

"The Government of the United States, however, is prepared to give due consideration to all facts tending to show possession or occupancy of the Lobos Islands by Peru; and is not inclined to stop or preclude discussion until the whole matter shall be thoroughly investigated. If there are any facts or arguments which have not been brought to its consideration, they shall receive the most respectful and friendly attention. If it shall turn out that—as has been intimated—those islands are uninhabitable, and therefore incapable of being legally possessed, or held by any one nation, they and their contents must be considered as the common property of all; or if, unprotected by the presence of Peruvian authorities, and without actual possession, their use by Peru has been abandoned or conceded—without limitation of time—to citizens of the United States for a long period, or yielded in consequence of the remonstrance of this Government or its agents, then no exclusive ownership can be pretended as against the United States at least.

"Under all the circumstances, the President thinks it most advisable that full instructions on this subject should be dispatched to the *chargé d'affaires* of the United States at Lima; and that proper orders should be given to the naval forces of the United States, in that quarter, to prevent collision until further examination of the case. No countenance will be given to the authors of such enterprises, claiming to be citizens of the United States, who may undertake to defend themselves or their vessels by force, in the prosecution of any commercial enterprise to these islands. Such acts would be acts of private war, and their authors would thereby forfeit the protection of their own Government.

"The undersigned avails himself of this occasion to offer to Mr. Osma a renewed assurance of his high consideration.

"DANIEL WEBSTER.[1]

"To Señor Don J. Y. de Osma, etc., etc."

[1] Under the principles laid down in this dispatch, the sovereignty of Peru over the Lobos Islands was subsequently admitted by the United States.

The following are the last private letters that Mr. Webster wrote from Washington:

[TO MR. BLATCHFORD.]

"*August* 24, 1852, Tuesday Morning, Seven o'clock.

"My dear Sir: You see Lobos. Shall I leave off there, and make that my finale, or shall I write an elaborate article on the fisheries, and put finis at the end of that? As to this fishery question, I have my great halibut-hook in it; and, if Hatch holds on, it must come aboard.

"No catarrh yet, and the weather a little better.

"Yours,

"D. W."

[TO THE REV. MR. SANFORD.]

"Washington, *August* 25, 1852.

"My dear Sir: I have read with uncommon interest your letter to my son. It gratifies me much that you are to have the charge of the education of my namesake, his son.

"He is a lad of good temper, and amiable disposition; not deficient in intelligence, or quickness of parts. But he is of an active spirit, full of the love of out-door amusement; and, I fear, his instructors have not enforced upon him, with sufficient decision, the rules of that sage, 'known in colleges and halls of yore, called Discipline.'

"I like much the statement of your requisitions from your pupils. Those requisitions are all just and indispensable.

"Other parts of your letter, my dear sir, awaken tender recollections. I remember, most affectionately, Mrs. Bathsheba Smith, your wife's mother. Was she not a daughter of the Rev. Mr. Sanford, of Medway? She was most dearly beloved by Fletcher's mother. And I remember she had a daughter, bearing a name which I cannot write without tears, 'Grace Fletcher.'

"May God preserve you and yours!

"Daniel Webster."

After Mr. Webster had been at Marshfield for a week, he wrote to the President:

[TO THE PRESIDENT.]

"Marshfield, *September* 12, 1852.

"My dear Sir: I suppose that, by this time, you must have returned from Berkeley, and hope you have had a pleasant and refreshing visit.

"My march hitherward was rapid from Washington, using the boat when I could, and, when in the cars, travelling by night, to save my eyes from the glare of the sun. I was quite sick nearly all day in New York, and unable to sit up; but, feeling better toward evening, took the Fall River boat, arrived at Boston the next morning, Monday, at seven o'clock

and came immediately home in a coach. I have thus been here a week; and the state of my health is pretty much this:

"The catarrh is upon me in its various forms, alternating as usual, but, as yet, not so severe and heavy as on former occasions. My general health is not so much prostrated. If the weather be wet or damp, I must stay in the house, and have a little fire, to prevent fits of sneezing and nose-blowing; when the sun is very bright, I am obliged to avoid going out, on account of my eyes, except, indeed, when the sea is calm, and I am protected by an awning. The bracing air of the ocean I find very beneficial.

"Mr. Abbott, from the department, joined us night before last, and Mr. Blatchford, who is fond of the sea and of boats, and content with fishing on a small scale. We talk of every thing but law and politics, and one advantage of my condition is, that it excuses me from looking into any newspapers.

"I have talked much of an excursion to Maine, Penobscot, St. John's, etc., but, at present, am inclined to stay where I am. Mr. Hunter says I shall receive, in a day or two, the Nicaragua papers, translated. I am anxious to see what the Nicaragua proposition is, although, I presume, it will be found quite inadmissible.

"Yours always truly,

"DANIEL WEBSTER."

[TO THE PRESIDENT.]

MARSHFIELD, *September* 16, 1852.

"MY DEAR SIR: My health is essentially as I wrote you some days ago.

"The catarrh is upon me in all its shapes, but by no means as oppressively as heretofore. The greatest difficulty and the greatest danger is from my other complaint, that is, a constant tendency to diarrhœa.

"I have been here now ten days, and have not been off the farm nor scarcely out of the house, except once or twice, when fair and warm weather tempted me to take the sea air. In general, the weather has been wet and cold. I have not eaten an ounce of flesh, or fruit, or vegetable, since I arrived, nor do I use tea or coffee at all. My diet is milk with half lime-water, water-gruel, and sometimes a little thin soup.

"I give up medicines very much, and try to get well by the strictest regimen. My physician says I shall succeed, but that it will require time.

"Of course, I am weak and reduced, but begin to be able to take exercise in fair weather.

"Yours truly,

"DANIEL WEBSTER."

He was now once more in the scenes which he loved so well, and surrounded by that group of faithful people who constituted a peculiar part of his large domestic establishment. Some of them must be described, although they have already been incidentally mentioned: Charles Porter Wright, at this

time a man of about the age of five-and-forty, was born in the town of Marshfield, and was very young when Mr. Webster purchased the Thomas estate. During the eight years preceding Mr. Webster's death he had charge of the farm, on which he had been employed from his youth. He always exhibited the effect of having been trained as a farmer under Mr. Webster. He was grave, quiet, clear-headed, with a quick eye, a ready hand, and few words. Decision and self-respect, with generous feelings, were very marked in him. Mr. Webster relied upon him greatly, always treated him as a friend, and liked to have him about him when he was ill.

Mrs. Baker, the housekeeper, was a native of Marshfield, and was a sister of John Taylor, who had charge of Mr. Webster's Franklin farm. She was a person of much energy and capacity, united with great sweetness, and had that very important gift in a woman—a low, gentle voice. Her husband was also employed on the estate, as an overseer of some of Mr. Webster's multifarious concerns. They were people of about the age of fifty, at the time of which I write. Mrs. Baker's sister, Lydia Taylor, was another of the family, long in Mr. Webster's service. A lady has sketched her, as only a lady could, by saying, "She impressed me with a feeling that one would never appeal to her in vain for kindness, sympathy, comprehension, and strong, active service. She seems one of those energetic, capable American women, but one who, in place of the excitability and hurry so common with energy in our country, had gentleness and tenderness. She is stout and plain in person, perfectly simple, and, like Mrs. Baker, entirely self-possessed before strangers, from natural good sense." [1]

[1] (*Mrs. Tecknor, MSS., conversations gathered at Marshfield, October*, 1853.)

Lydia Taylor's description of Mr. Webster, as it was given in October, 1853, was in these words:

"I was living with Mrs. Thomas when Mr. Webster first came here, and I continued to live with her and Mr. Webster. He was the kindest person one could live with, always thinking of everybody; when the butcher killed the creatures, he'd send pieces to the neighbors—he didn't forget anybody, and he'd say, 'Henry Thomas must have a piece of beef, or he wouldn't get any.' It was just so when he went fishing, he gave the fishes away. He liked to put up his provisions himself when he went fishing or shooting, and would take a great deal, he said the people were so hungry.

"He'd call for brown bread, and say, if he couldn't have brown bread it wasn't worth while to live. When he caught a great halibut a few years ago, he called all his friends out to see it, and said to Mrs. Webster, 'See what your dear can do.'

"He used to get up before anybody else, at four o'clock often, and he liked to light some of the fires; in old times, when I came down, he told me he'd made mine sometimes. Mrs. Webster used to say, that when he came down he left all the doors open from her chamber to the outer door, and he'd say fresh air was wholesome. He knew all that was going on everywhere; he would come out to the kitchen and talk to us, and he liked to sit down in Mrs. Baker's

Seth Peterson—a name familiar to all Mr. Webster's friends who ever visited Marshfield—was a droll, red-faced, old salt, whose occupation, when he was not fishing or shooting with Mr. Webster, was what he called "lobstering." His usual dress was a flannel shirt, which might once have been red, but which wind, weather, and salt water, had converted into a nameless color; and pantaloons that had been patched until their original fabric and hue were quite undistinguishable. He was a quick-witted, humorous old fellow, smart with his tongue, shrewd, and good-natured. He was a first-rate fisherman and boatman, and was for many years in Mr. Webster's service in those capacities. Mr. Webster dubbed him "Commodore" Peterson.[1]

room before the great fireplace in the evening, and have the men in from the farm, and inquire about the work, and explain to them his ideas.

"He would have some potatoes put into the ashes, and watch them himself, and when they were done, would have some cold turkey or cold goose put on the table there, and say that was the sort of supper he liked.

"He was always busy; I never saw anybody more industrious. When he had his autumn cold he never liked to be asked how he was—he said he didn't know, what could he say? He never got over that fall from the wagon—we were dreadfully frightened when we heard of it, and Mrs. Webster was overcome; for she thought she should find him almost killed. When they brought him home, it seemed almost like a funeral procession, so many people came with him, and they came so slow.

"Sometimes he came here from Boston before we had heard that he had left Washington, and would call for some one to hold his horse; and once he walked through into the kitchen, and burst out a-laughing, because we didn't know he was coming, and hadn't heard him; and he said he wanted to know what we were doing, and how people looked at their every-day work."

[1] Mr. Weston, who is mentioned later in the text, told Mrs. Ticknor, in October, 1853, the following anecdote of Peterson:

"Peterson (the commodore, as Mr. Webster used to call him) was out fishing one day with Mr. Webster, and they got belated, and before they could get to the dock the tide was gone, and they were stuck in the mud. Peterson told Mr. Webster that, if he would let him set him ashore, the boat would be so much the lighter; that he could get it home. So he went ashore, and walked on. Pretty soon he stopped, and cried out to Peterson, 'Well, does she get along any?' 'Yes, yes, she gets on by hitches, as lawyers get to heaven.' He says the words came out without his thinking; but, the moment they were out, he was frightened to death; and he looked up, and there stood the old man, laughing heartily, and showing his white teeth. Peterson, I suppose, didn't tell you that."

Peterson himself, however, related some things that are quite as good:

"The first time I ever saw Mr. Webster, he came down to the shore where I was lobstering, and wanted to know if I would row him up the river. I told him what I'd got to do, and that I'd go as soon as I got through. Well, after that, I don't believe he was ever on the water without me for fifteen years. When he was going fishing, he'd ask me what was the best time of the tide, and the best time for starting; and, when I told him, he'd tell me to call him, no matter what time of night or morning it was; and he'd stay out till ten o'clock at night. When we were alone, he always treated me just as one shipmate does another; when there was company, it was different, of course. Once we had been out all day, and it was very thick; and I told Mr. Webster that I thought it was time to be going home. I was afraid we might be caught in the darkness, but he didn't want to go, and kept on fishing. At last I told him we must go; but it grew dreadfully thick and dark, and I couldn't see my way, and Mr. Webster began to think I should get on to "sunken rock," but I steered clear of that, and then he was sure I should run ashore. I was looking for the river, and was determined to run in. It was dark as possible, and Mr. Webster stood right up in the boat, so that I couldn't see my course the least bit in the world. At last I said: 'Mr. Webster, you're a dreadful bad lantern.' He slipped right down in the boat like a stone; he was very shy and anxious, but didn't say a word. I steered on, and pretty soon saw a rock that I knew was at the mouth of the river; and then he thought I should get foul of that, but I didn't, though I might have touched it with an oar, I passed so close to it. Well, I put him safe on the dock, and then you might have heard him shout and sing a mile off.

"He was always kind to his people—never scolded; I never had a hard word from him but once. I was doing some ditching for him, and, when the tide came up, and we couldn't work, I tried to get a good

Thomas D. Hatch, commonly called by his employer "Mr." Hatch, was more or less in Mr. Webster's service for twenty years. He took Peterson's place as manager of the fishing-boat during the last five or six years of Mr. Webster's life. He was a great contrast to Peterson, being a poor, anxious man, who rarely laughed, and, in the presence of strangers, did not raise his eyes, although he was not without intelligence.

These persons formed the permanent domestic establishment at the mansion-house, with such laboring men as were employed on the estate, who were mostly boarded in the farm-house. When Mr. and Mrs. Webster came from Washington, they always brought with them colored servants, among whom were Monica, the cook, William Johnson, Sarah, a woman with all the capacity of her race for sympathetic service in sickness, and Ann Bean. They are all mentioned in Mr. Webster's will.

But the circle of those around Mr. Webster at Marshfield from whom he could derive service of various kinds, and along with it, whether it was with or without a price in money, the

mooring for his boat. I suppose somebody told him I was idling and loafing, for he came down looking very grave, and says he: 'You're lounging and loitering more than the boat is worth.' I thought that was rather hard, for I had been hard at work with the boat, and had a great deal of difficulty, broke a spar, and had much trouble; so I said: 'Mr. Webster, I've done the best I could; if you can get anybody to do any better. I wish you would, for I don't want to have any more to do with it;' and, upon that, he turned off, and walked fast straight ahead; and presently he stopped, and called out loud to know how soon we could get it moored. Well, we went to ditching again in the afternoon, and the old man came down, and ditched with us all the afternoon. [Do you mean that he worked with you, and used your tools?] Yes, indeed—he tried every tool—he cut, he dug, he pulled out the sods—didn't he, Mr. Hatch? you were there. [Mr. Hatch confirmed every word—their idea was that Mr. Webster felt he had judged them unfairly about the boat, and wanted to prove his good-will in the afternoon.]

"Before he bought the place, I was going about with him one day; he said that he hoped he should own it some day or other—that he must have it; that he hoped he should lay his bones here; and, said he, 'I suppose by the time I get the place, and means to make it fit to live in, I shall die, and leave it.'

"He loved codfish best—he liked to have them scrawed—to have them split open, corned a little over night, and broiled for breakfast. I've fixed him more than a thousand. He was a first-rate trout-fisher. I never saw anybody so smart at taking a trout from his hole. He liked to catch large fish, but loved to take trout too.

"There was a trout-stream close by my house, and he didn't want me to catch any; so he said: 'Trout that stream! I'll prosecute you if you do. I'll prosecute you if you trout on your own land.'

"He liked brant and ducks, but didn't like sea-fowl. He'd be out fishing from daylight to late in the evening; and, when he went out gunning, he'd keep out as long as he could see a bird, and walk, sometimes, fifteen miles a day. He always carried his own things, he never asked anybody to take them for him. I used to ask him to let me carry his gun sometimes, but he wouldn't let me.

"Mr. Webster told me once, how he was fishing at Sandwich one morning, and a young chap came along that had been fishing too, but didn't like to wet his feet, and he came up to Mr. Webster, and asked him if he'd carry him across the river. Mr. Webster said yes, he was very willing—and he took the fellow on his shoulder, and carried him over, dry and nice; and then the young man turned round and wanted to pay him; he found out some time afterward who had carried him across, but Mr. Webster never knew who he was.

"I've seen him pole hay half a day steady. I asked him if that story of the scythe was true, when he was mowing with his father—that he couldn't get his scythe right—his father fixed it for him two or three times, but he couldn't mow with it; at last his father, out of patience, told him to hang it to suit himself, and he went and hung it on a tree."—(*Pecknor MSS.*)

priceless homage of the heart, was larger still. Mr. Charles Henry Thomas, brother of the young man whom Mr. Webster tended so lovingly at his death-bed in Washington, and eldest son of the former owner of "Green Harbor," remained in the neighborhood, and was always much consulted and relied upon by Mr. Webster, both as a friend, and as a faithful and intelligent agent. There, too, was Mr. Seth Weston, the carpenter, a "selectman,"[1] a person of sense, observation, and some wit, whose truthfulness and exactness were marked by his neighbors with a current phrase—"If Mr. Weston says so, it must be so." He was a skilful carpenter, and for sixteen or seventeen years was much employed by Mr. Webster, both in his trade and in other ways. Near by also lived Mrs. Smith, a widow; a woman bearing the unmistakable stamp of the Plymouth and Cape-Cod character, native good sense, and with lady-like manners. Having a good and well-furnished house, but a slender income, she often received as boarders such of Mr. Webster's visitors as could not be lodged at the mansion-house; and she received them with a simple and kindly dignity, putting on her table her ancient china, brought by her husband, who was a ship-master, from "beyond sea."[2] Old Captain Hewitt, another neighbor, born in that region, who had followed the seas for thirty years of his earlier life and during the European wars, now lived on one of the ancient "Pilgrim" farms, that adjoined a portion of Mr. Webster's property.[3] These were specimens of the kind of people among whom Mr. Webster's domestic life was passed.

Here, then, where he so delighted in every field and wave,

[1] The town magistrates in most of the New-England States are so called.

[2] It was this good lady who said of Mr. Webster, after his death, when asked if they missed him: "Ah! when he was here, it seemed as if the whole atmosphere was filled with his presence."

[3] Captain Hewitt, in his plain, straightforward way, said:

"Mr. Webster was as good a neighbor as ever could be. He was a man of no gross temptations; he had no pride; he was sociable with everybody, and he was loved by everybody. I never saw anybody put into the tomb that I was so sorry to part with. Nobody here asked him any questions about politics. They should know his opinions by reading what he had said, and they knew he didn't want to be asked. I never heard him open his mouth about politics. He had a great memory; if he saw a person once, he always remembered them.

"He was the kindest neighbor in the world: if I wanted any stock, he'd let me have it cheaper from him than I could get it at Brighton. He was so accommodating, he let me have several yoke of oxen and some good cows. My little farm comes in on his all around; and once, when he wanted to build a sheep-house, he chose the place that he thought the best for it; but he wouldn't have any thing done to it till he made me come and look at it, and tell him whether I had any objection to its being put there—whether it would be disagreeable to me at all. Why, there isn't a man in the county that would have done so, but him. Others commonly decide where they want their buildings, and ask no man's leave or consent; but he always considered other people."—(*Ticknor MSS.*)

every grove and living creature; here, where his strongest tastes could find their gratification, where there was a sympathy and a love that no events in the greater world could take away, he came once more, to forgive what had been unjust to him, to discharge what remained of public obligation, and to recruit his failing health, in the hope that years might yet be in store for him among these peaceful scenes and these faithful friends. His demeanor at this time was a touching, often an admirable spectacle, to those who witnessed it. All the tenderness of his character seemed to increase, as the days flowed on; and of the sternness or bitterness of feeling that might now have been excused in him, there was none to be excused.

He came to Marshfield, about the 5th of September. There now lies before me a private letter written by Mr. Abbott, his secretary, a week afterward. It enables us at once to look into that privacy to which we should most desire to be admitted.

[MR. ABBOTT TO A FRIEND.]

Marshfield, *September* 12, 1852, Sunday Evening.

"My dear ——: The day has been stormy, and we did not go to church. This morning, when Mr. and Mrs. Webster, with their guests and servants, had assembled in the library for family prayers, Mr. Webster looked so weak and feeble, that Mrs. Webster asked him if I should not read the chapter. He preferred reading himself, and selected that beautiful chapter of St. Luke, the sixth, which contains a part of the Sermon on the Mount. His reading of the Scriptures is grand, slow, distinct, impressive, giving new force to every sentence. When he came to those verses which follow the twenty-sixth, it seemed as though they were the expression of his own inmost feelings. After each clause of these verses which he read—'But I say unto you which hear, Love your enemies, do good to them which hate you, bless them that curse you, and pray for them which despitefully use you'—he paused, as if he were asking himself the question, if he read those words in the spirit of Him who first uttered them, and exhibited in his own life and example their practical application. There was an almost triumphant tone as he finished the verses, as though he had heartily forgiven those who had spoken ill of him, and who had despitefully used him.

"I was particularly struck by it, as several of the late [Whig] papers have been abusing him in very coarse terms, which he had doubtless seen.

"You have often heard me speak of his courtesy both in the Senate and in the Department, to those who were politically opposed to him, and of the direction which he so frequently gave to those who were intrusted

with the preparation of his works for the press, to omit, or modify, where it could be done with propriety, all those passages in which he had spoken of others with undue severity—giving, as a reason, that he did not wish to perpetuate the remembrance of unpleasant personal or party contests.

"Even after the disappointment of his hopes at Baltimore, he has never permitted himself to speak unkindly or harshly of those from whom he had a right to expect, instead of opposition, firm and decided support. He rarely has alluded to the doings of the convention, or to those who took part in them. The severest expression which I ever heard him use in regard to them was, 'I shall soon be in ——, and shall see these gentlemen, and think it is about time to shake hands with some of them and part; with others I can part without shaking hands.'

"But of one for whom he had always manifested almost a parental interest, but whose course had bitterly disappointed him, he remarked with deepest emotion, '*That* cut me to the heart.' . . .

"Yours always truly,

"G. J. Abbott."

In the latter part of the same week, Mr. Webster received a visit from his friend Professor Felton, who afterward published an account of it, from which I take the following extract:[1]

"On the most beautiful day of the most beautiful month in the year, Saturday, September 18th, Mr. Webster drove his guest, attended by one of his men on horseback, over the estate. The air was soft and balmy, and seemed to bear healing on its wings. The great statesman was physically weak, having suffered long from his annual catarrh, and from another more obstinate complaint, which was slowly but surely undermining a constitution once gigantic in its strength. But the genial breath of heaven, and the sight of dear and familiar objects unvisited by him before since his return from Washington, soothed and revived him, His eye wandered over his extensive domain with a brightness undimmed by age or disease. Each point suggested some memory, pleasant or mournful, which he recalled with unfaltering precision, and related with that rare felicity of phrase which marked the most familiar conversation of Daniel Webster. The history of the former owners of the soil, the circumstances under which he became its purchaser, the improvements he had made upon it, the trees he had planted, the cattle and sheep he had imported and introduced there, were dwelt upon with a clearness and interest which sank deep into the listener's heart. Some of the reminiscences these scenes and objects recalled, moved the illustrious narrator to tears; for they brought before him the forms of beloved ones, associated with his earliest residence

[1] See the American Whig Review for December, 1852.

here, and now sleeping the long sleep of death, on the spot which his name has consecrated to the deathless memory of his countrymen and the world. His voice became tremulous and low, his hands quivered as he held the reins, and for a moment it seemed as if that mighty heart would break. But the sad vision passed away, and present objects and cheerful thoughts resumed their place. His flocks and herds were driven up to the carriage, and he spoke of them and commented on their several qualities, not only with the knowledge of a farmer, but with the feeling of one to whom every creature of God is dear. After having pointed out, at some length, the characteristics of the different breeds, he checked himself with a smile, and said, 'How can he get wisdom that holdeth the plough and that glorieth in the goad that driveth oxen, and is occupied in their labors, and whose talk is of bullocks?' After a few moments' pause, he added, 'I do not believe that passage is in any of the canonical books; it does not sound canonical; it certainly is not canonical." Mr. Webster was right. The words occur in the thirty-eighth chapter of Ecclesiasticus, as the writer was amused to find on his return.

"From time to time, on meeting his rural neighbors, he would stop to talk over with them the subjects of agriculture in which they had a common interest; and it was pleasant to witness the kindly and affectionate intercourse between him whose fame filled the world and the homely neighbors and friends who—

> 'Along the cool, sequestered vale of life,
> Had kept the noiseless tenor of their way.'

"To one who anxiously inquired after his health, he said, 'I am not good for much. My strength is nearly gone. I am no match for you, now. I am scarcely a match for your grandson yonder.' To the question, whether the love of Nature grew stronger in him with the progress of time, he answered: 'Yes, undoubtedly. The man who has not abandoned himself to sensuality feels, as years advance and old age comes on, a greater love of mother Earth, a greater willingness, and even desire to return to her bosom, and mingle again with this universal frame of things from which he sprang.' As he spoke these words, with slow and solemn tone, he seemed to look upon the face of Nature, as upon the face of a living being, to whom he was bound by the ties of a conscious friendship and immortal love; and the soft wind, breathing with a warmth like summer through the unchanged leaves of the neighboring trees, whispered an audible answer to the voice and look of love of the dying statesman. He had drawn his health from these scenes and these pursuits; a constitution naturally feeble had grown into heroic proportions and gigantic strength, as he had walked and worked, in the intervals of public business, beneath the open sky and had 'taken this heavenly bath, the air, without measure and without stint.' . . .

"His conversation was deeply interesting throughout—mostly serious, earnest, sometimes pathetic, sometimes lightened with playful touches of

humor, always full of kindness and gentleness. His serious thoughts naturally clothed themselves in sublime expressions, in language radiant with poetical but unaffected beauty, suggested by the surrounding objects, or by the themes that spontaneously sprang up in a conversation of three memorable hours. Moral, literary, religious topics were touched upon, but politics not at all. To the question what had been the studies by which his style was formed, he said: 'When I was a young man, a student in college, I delivered a Fourth-of-July oration. My friends thought so well of it that they requested a copy for the press. It was printed, and I have a copy of it now—the only copy in existence.' (In this he was mistaken.) 'Joseph Dennie, a writer of great reputation at that time, wrote a review in a literary paper which he then edited. He praised parts of the oration as vigorous and eloquent; but other parts he criticised severely, and said they were mere *emptiness. I thought his criticism was just;* and I resolved that, whatever else should be said of my style, from that time forth there should be no *emptiness* in it. I read such English authors as fell in my way—particularly Addison—with great care. Besides, I remembered that I had my bread to earn by addressing the understanding of common men—by convincing juries—and that I must use language perfectly intelligible to them. You will therefore find, in my speeches to juries, no hard words, no Latin phrases, no *fieri facias;* and that is the secret of my style, *if I have any.*'

"He spoke of Kossuth's eloquence, with admiration of its beauty and ingenuity. He thought 'his genius wonderful, and his resources extraordinary, but that he was rather an enthusiast, possessed of the idea that he was born with a mission to fulfil, than a statesman; that his political ideas were not well defined, nor fixed, nor consistent; that he was doubtless a sincere lover of his country, but was a poet, rather than a sound reasoner on affairs of state and the condition of the world.' He stopped at a farmhouse near his estate, and, calling the farmer to the door, said, 'Well, Mr. A., you are engaged to work for Fletcher, to-day, I hear.' 'Yes, sir.' 'That's right; now do you come over to my house, take my gun, and go out and shoot some of the plovers I just saw alight in the pasture yonder, and Fletcher will pay you for the day's work, and I will pay you for the birds.' Such pleasantries seasoned his salutations to all the rural neighbors whom he chanced to meet. In this case the man smiled, complied at once with the request, and the plovers appeared on the breakfast-table the next morning.

"At the close of the drive, Mr. Webster sat some time in the library. He had recently been studying the work of Cicero, *De Natura Deorum;* and, taking the volume from the shelf, he read aloud two or three pages, in which one of the persons in the dialogue discourses most eloquently on the Divine Being, and in refutation of the Epicurean philosophy. The deep feeling and the earnest tone with which he read the harmonious Latin sentences of the great Roman gave the fullest meaning to those immortal speculations; and, recommending the passage to the careful study of his

guest, he closed the volume and retired. In a subsequent conversation, Mr. Webster spoke of his love of science, and the attention he had bestowed upon it in the fragments of time snatched from his other and absorbing pursuits. He had watched the progress of physical science, and mastered the great results which have distinguished the investigation of the present age. His knowledge of geology was extensive and exact. He had studied the principal works upon this science on journeys made for recreation through interesting geological regions; and many years before, he said, he had employed a learned geologist to make a collection of specimens, and to arrange them on shelves, in the order of the successive layers in the crust of the earth, that while he read at home he might see with his own eyes the order and arrangements of Nature. He had given much attention to physical geography, and its relation to the history of man, and to the distribution of the vegetable and animal kingdoms over the face of the earth. Among the books which had occupied his thoughts during the last year of his life, Humboldt's 'Cosmos' held a prominent place. He had read it through, and carefully meditated its contents. He quoted passages from it with expressions of admiration for their scientific precision and poetic beauty; and his general remarks upon the plan, substance, and details of the work showed that he understood it well, and fully appreciated its grandeur as an illustrious monument of a long and splendid scientific career. He mentioned with regret that he had so seldom enjoyed, for any length of time, the society of literary and scientific men. 'I have kept very bad company,' he exclaimed, with a merry laugh. 'I have lived among lawyers, and judges, and jurymen, and politicians, when I should have lived with Nature, and in the company of the students of Nature.' With ichthyology he had not only a sporting, but a scientific acquaintance. His observation of the habits of the fishes in our streams and along our shores was wonderfully minute and accurate. One of the projected occupations of the leisure which he seemed about to enjoy was, to write a book embodying his personal observations on our fresh and salt water fishes; and, in the last conversation the present writer had the honor of holding with him, he commissioned him to propound certain questions to Professor Agassiz, whose classical work on fresh-water fishes he had recently examined, on some of the facts and phenomena of ichthyology that had fallen under his notice, and of which he desired to obtain a scientific explanation. Yet he seemed to have an inward consciousness that his days were drawing to their conclusion. In speaking of plans for the future, he invariably added, 'if my life is spared;' and once, when he was urged to dictate an autobiography, he replied: 'My friends have in their possession all the facts of my life which will be of any consequence to the public to know; but perhaps, if God spares my life three or four years longer, I may do it.'"

On the 20th of September, Mr. Webster made an unexpected visit to Boston, for the purpose of consulting his physician, Dr

Jeffries. He came in his own carriage, driven by Mr. Baker, and accompanied by Mrs. Baker; for he had now become so feeble, that Mrs. Webster was unwilling to have him go without being attended by those who were accustomed to his wants, and on whose affectionate vigilance she could rely. Of this visit there is an account in Mr. Ticknor's Reminiscences, which shows how great had been the changes in his physical condition during the past ten days.

"Mr. Webster was ill at Marshfield with his last illness—some of us were alarmed—all were anxious. Very unexpectedly his card was brought to me at my house, on the 20th of September, dated by his own hand, 'Monday, two o'clock, No. 2 West Cedar Street,' accompanied with a verbal request that I would go there to see him. I went immediately; he was in bed, looking very ill, but speaking brightly and cheerfully. He told me that he wanted Mrs. Ticknor and myself to come down and make him a visit at Marshfield—he had often asked us before, but we had never been, because we had hardly ever been in Boston at the season of the year when he was in Marshfield, and when it was agreeable to go there.

"I told him that Sir Charles and Lady Lyell were staying with us, and that Mrs. Ticknor would not probably be able to go—he then said I must bring Anna with me—and it was settled that I should give him, the next morning, a definitive answer to his kind invitation. I would then have left him, but he said he would like to have a little talk; he said he hadn't done much during the summer, but that he had had a good deal of discussion with Mr. Crampton upon the fishery matters, and had drawn up a protocol about them, and begun another paper which he would show me.

"He said he did not feel sure that he could do such things now as well as he used to. I laughed, and told him that he had suggested the same idea to me the year before, and that he had had abundant reason since to know that it was unfounded. 'True,' he said, 'true, but I don't feel now as I did a year ago.'

"He asked me if I was going to dine that day at Mr. T. W. Ward's, where there was to be a large party in honor of Mr. Thomas Baring, then on a visit to the United States. I told him that I was going; he said that he did not feel strong enough to go to the dinner, but that he thought he should drop in during the evening—telling me, however, not to say so, as he might not feel well enough to go.

"There were many guests at the dinner; we were at the dessert, and all were more than commonly animated; I was sitting next to Mr. Baring, when Mr. Webster appeared at the door. If a ghost had come among us, it could hardly have startled us more.

"He looked dreadfully, but he had his usual stately air and bearing; and pausing a moment as he entered, as was his wont, a chair was placed for him by Mr. Baring, on the other side from the one on which I sat. We

both immediately perceived that ether had been administered to him, and his features looked livid, cold, and shrunken under its effects; still he was cheerful. He talked chiefly with Mr. Baring, and expressed a hope of seeing him at Marshfield before he left the country. He remained only a few moments. While he was with us all were sad and silent, and, when he rose to go, all rose with him. I think that every one felt that he had little hope of ever looking again upon his imposing form. It was, in fact, the last time he passed a friend's threshold in Boston."

On this occasion, Mr. Webster also sent for me to come to him at his son's house. I visited him in the latter part of the afternoon, just before he was dressed to go to Mr. Ward's dinner. He was reclining on a sofa, conversing with Dr. Jeffries. When that gentleman left him, he called me affectionately to his side, and said: "I thought of writing to you, and took my pen to do so. Then I thought I could best *say* to you two or three things. You are a man having a future, I have none. There is a subject I wish you to consider. Here are these conventions for nominating candidates for the presidency. Where do they get their authority? See how the choice of the people is absolutely restricted to two individuals. Go back to the Constitution, and see what *that* meant. It is difficult, I know, to say what is the remedy, but the first step toward the removal of an evil is to expose it." I replied that I was well aware that he had already meditated a public speech on this subject, after the election, but that I had refrained from speaking or writing to him in regard to it, out of delicacy. He said there need be no delicacy about it. He then changed the subject, and spoke of the visit which he wished Mr. Ticknor and myself to make to him in the course of a few days. Although I did not then suppose Mr. Webster to be suffering under a mortal disease, I had never before heard him speak of himself as he now spoke. It was evident that he had begun to consider that he might never again address a public assembly.

The visit to Marshfield, by Mr. Ticknor, his daughter, and myself, was made on the 23d. As both of them have preserved an account of it, I quote their descriptions in preference to my own, beginning with that of the lady:

"We reached Kingston before ten, and, finding Mr. Webster's carriage waiting for us, we took possession of it, and arrived at Marshfield soon

after eleven. Mrs. Webster received us in the first of a suite of three drawing-rooms, and led us through these to the library, where we found a cheerful fire, and where she chatted with us for ten minutes before going to call Mr. Webster. She returned, and he soon followed her, moving slowly and gravely, as was his habit, but looking unusually ill. He sat down in his large easy-chair, by the fire, and the gentlemen, joined by Mr. Abbott, stood beside him. He talked low, and, occupied as I was with Mrs. W. and Miss Fletcher, I heard very little then, or at any time, except at table, of what he said. I went to my room for a while, and, on coming down again, found him placed just as when I left the room. In an interval of the conversation in our ladies' quarter, we heard Mr. Webster say, 'Now, I will tell you what Boston is,' and we paused a little. He had apparently been talking of an unpopular act committed by a Democrat in the office of Attorney-General, and went on to say that, by the intrigues of some politicians, the office was abolished in order to get rid of the incumbent. 'Mr. ——— was very old, and his wife was very old. They depended wholly on his salary, and it was a cruel thing to them to be deprived of it in their old age. They lived in a small house in Roxbury, and lived very frugally, but, winter was coming on, they had no means to buy wood, and it was evident that they must suffer during the winter.

"'One day, about this time, some gentlemen were dining at Mr. Paige's. These were the Messrs. Appleton, Sam and Nathan, and others like them, of the merchants of Boston. The talk fell upon Mr. ———, and his being removed from office. Not one of them was of the same party in politics with him, but it was said that he and his wife were very old, and that they were poor; that they had not even money enough to buy wood for the winter, and that they were likely to suffer. And one of the gentlemen said, as they sat talking over the wine after dinner, that something ought to be done about it; that these poor, old people must not be left to suffer. And another gentleman said he would give one hundred dollars to help them; and then another and another said the same. Presently Mr. Paige got up from the table, and went to a secretary, took out pen, ink, and a check-book, and put them on the dinner-table, and said: "There is no time better to do such things than while we are talking about it." Everybody agreed to this, and, in a few minutes, they had put down their names for the amount of one thousand dollars to help Mr. ———. And *I* say that's what Boston is.'

"Presently, after this, we went to lunch; but Mr. Webster declined going in, not feeling well enough. 'But,' he said, 'I must keep one of you here, to talk with me.' So papa stayed behind. After lunch, I was taken over the house, and only saw Mr. Webster as he passed out to go to drive with Mr. G. T. Curtis. He wore a rough, blue overcoat, and a white California hat; and, in spite of the traces of illness in his face, his magnificent form looked more picturesque than I ever saw it. They went in an open vehicle, Mr. Webster driving, and Porter Wright accompanying

them on horseback. I did not see him again until dinner-time, when he took me in to dinner, and placed me on his right hand. On each side of the silver *épergne*, in the centre of the table, were two glass vases, each containing a plant of celery, so tall that its topmost leaves nearly touched the ceiling. Papa exclaimed at this growth, and Mr. Webster seemed both pleased and amused at the compliment; and said his gardener was very ambitious and successful. 'Last year,' said he, 'Fletcher's gardener took some of my fruits and vegetables, and sent them to the exhibition, and got prizes for them, which were regularly announced in the papers as belonging to Fletcher Webster, Esq. My man was very angry about it. So, this year, my man asked leave to carry something to the Horticultural Exhibition, and he came home to-day with nine dollars' worth of prizes.'

"Mr. Webster's diet was very strict and low at this time; and a bowl of gruel was brought him by his favorite black servant, William Johnson, which, with a glass of brandy-and-water, was all he took. He was more ill than usual, and did not talk a great deal; but he led the conversation to literary and historical subjects, and, from time to time, threw in a word on some English statesman or poet, and quoted lines of poetry. While we sat at dessert, Mrs. Webster said to him that his friends, Mr. and Mrs. Haven, and their daughter, had arrived, and, with prompt hospitality, he rose instantly to go and receive them; but, on Mrs. W. telling him that they had already gone to their rooms, he contented himself with sending them a kind message, and soon proposed that we should adjourn to the library. On account of the late arrival of these guests, there was tea in the dining-room that night, with a luxurious array of nice things.

"That evening he seemed to feel less ill, and, as I sat in the music-room with the young ladies, while he played whist with papa and Mr. and Mrs. Haven in the library, we two or three times heard him saying or singing little snatches of something comic. The next morning, when I went down, the sunshine on the lawn attracted me, and I lingered at the open door. While I stood there, Mr. Webster came down the stairs, dressed, as he always was, in his blue coat and black pantaloons. I never saw him dressed otherwise, except last spring, after his accident, when he had a loose gray sack, of fine cloth, lined with silk of the same color—a little like Napoleon's gray coat. As he came down the stairs, I saw by his step and his complexion that he was better, and, in answer to my question, he said: 'Thank you, I feel remarkably well.' He went immediately to his barometer, which promised well; and, thereupon, he sang out, right heartily, an old song about the weather, of which I could not catch the words. Then he came to the door, spoke of the beauty of the sky, with its feathery lines of white clouds, and said: 'Fletcher's mother used to say that the east wind at this season almost always brought fine weather.' In a moment after this Mrs. Webster joined us, we found the rest of the party in the library, and soon adjourned to the breakfast-table.

"The conversation was general and various, and Mr. Webster took

much part in it. Papa told a story which amused Mr. Webster, who then went on, saying: 'There was an old lady, in New Hampshire, with whom we were very intimate many years ago, and to whom we generally paid a visit about once a year. The children called her Aunt Howth. She was a famous housekeeper, and always kept her house in perfect order. But she had a fashion of always apologizing for the disorder of her establishment, and never would allow any one to suppose that she thought things were as neat as they should be. One day, when we arrived there, she received us very hospitably, and immediately began the usual apologies. She was dreadfully sorry that we should find her house in such disorder, and we had this story over three times. At last Julia, who had been listening all the time, spoke up: "Well, it doesn't matter much, aunt, it doesn't look very nice, but I wouldn't say any more about it." "How dare you say so, you little wretch?" broke out Aunt Howth; "you never saw a house in such nice order since you were born!" Mr. Webster had a great art in bringing out the point of his stories unexpectedly. The last turn of this took us all completely by surprise, and raised a great laugh. We sat at the breakfast-table till the servants had removed every thing, and the talk flowed on pleasantly. Mr. Webster stated his plans for the morning's amusements of his guests, among which was a general rendezvous to see the cattle. In talking of the cattle, he mentioned a Hungarian bull, sent him as a present, and kept at Franklin, which, last spring, injured John Taylor in a terrible manner. And Mr. Webster described the accident. Taylor's son, a boy of twelve or fourteen, was the only person who could control the great animal; and, one day, when he was sent away for some reason, the father had undertaken the charge of the bull. 'But,' as he told Mr. Webster, 'he saw I was afraid of him,' and, as he led him to water, the bull put one horn through John's thigh, and tossed him in the air. The sturdy old man kept hold of the rope, and, as he lay on his back, he drew the bull's head down toward him, until he could reach the ring in his nose, which he twisted, and held him till help came. And Mr. Webster said: 'When I was at Franklin, in the summer, John told me all this, and ended by saying: "Why, Mr. Webster, he is no more fit to be at large than Kossuth is."' Mr. Webster had some drawings brought to him of this bull and some other animals sent to him from Styria. They were handed round, and much admired.[1]

[1] The bull, which went by the name of St. Stephen, was a present to Mr. Webster from Mr. Colt, of Paterson. After the accident, Mr. Colt writes:

"PATERSON, N. J., 18*th July*, 1852.

"MY DEAR SIR: I am sorry to hear such sad reports of the unruly conduct of St. Stephen. We considered him, here, the kindest, most amiable bull we knew. It is true he was always kept in the stable; but a boy of twelve years old led him to water, and around our grounds for exercise. In the summer he was for three or four hours a day tied by a string, from the ring in his nose, to a stake or a tree, to pasture. You will do well to order him thus treated in future.

"My dear sir, you know that I never wish you to answer me on any political question. But you cannot think how deeply mortified thousands and thousands of Whigs are that General Scott was selected rather than you, their first choice, or Fillmore, who would not turn out public officers, to feed from the public crib the hungry lookers-after-office. I fear that this unhappy selection is the breaking up of the Whig party. . . .

"Yours truly,

"ROSWELL L. COLT.

"Hon. D. Webster."

Mr. Webster, writing from Franklin

One of the plans for the morning was, that Miss Fletcher and I should ride, and when, an hour afterward, I hesitated about it, because I had brought no equipments, but must borrow every thing, Mrs. W. urged me to keep to the plan, saying: 'Mr. Webster has sent over, himself, to Fletcher's for Edward's horse, Duke.' So we went on horseback; Mr. Webster took Mr. and Mrs. Haven in the open carriage, and the rest went with Mrs. Webster in the close carriage, all taking different routes, with different objects. The rendezvous to see the cattle did not come off, for the weather changed, and grew so cold that we ladies crowded round the fire. At dinner, that day, Mr. Webster was very animated, more so than, I think, or at least quite as much so as I have ever seen him since the death of his children. He took a very active part in the conversation, and seemed to enjoy it. I should have said, sooner, that the conversation never turned on present politics while we were there. It was always on by-gone times or about some points of literature. This refers to what I heard; what passed between the gentlemen I do not know. Mr. Dutton being mentioned, Mr. Webster spoke of him very kindly, and spoke of his possessing a valuable mind. 'He has always had a sound, solid burning-log in his brain, if he could only have found the kindling-stuff for it. That reminds me,' he went on, 'of the old story of ———, who tried to stir up his French fire, and first he poked at the back log, but he found that was of iron; and then he tried the forestick, and that was of iron; so he called to the landlord to bring him some nail-rods for kindling.'

"Talking of John Adams, he said that his mind was very unequal; that sometimes, for a long period, it moved smoothly and almost sluggishly, then suddenly it broke out with surprising power. 'Like Concord River,' said he, 'for a while it seems scarcely to move at all, then it comes to a little precipice, and falls over with a mighty noise.' 'Concord River,' said he, 'supplied another illustration once. A lawyer was making a very rambling argument, in which it was very hard to follow him, or discover what he was talking about, when the opposite counsel' (Mr. Parsons, I think) 'remarked that the gentleman's reasoning might be very profound, but it was like Concord River, so deep that you could not tell which way it was running.'

"That evening Mr. Webster was tired, and went to bed early, without his customary game of whist. Tea was in the library, and, before it was brought in, when but one lamp was lighted, and Mr. Haven, with only two or three of us ladies were there, Mr. Webster came stalking in, with his great blue overcoat on, followed by William Johnson, with a pail of fresh milk, which he was ordered to set on the writing-table. We gathered round, and Mr. Webster sent William for candles, that we might see to

concerning the misadventure of the bull, said:

"John Taylor has recovered from the bull; and a painter has come all the way from Boston to paint an animal that could throw John Taylor over his head. John Taylor entertains a very bad opinion of that bull, and says that he is no more fit to run at large than Kossuth himself; and Fletcher says these Hungarian cattle, biped and quadruped, are dangerous to American institutions and constitutions. John Taylor says that this is the living truth, and is complete."

advantage the rich milk from his favorite Alderney. The next morning we had an early breakfast, and left at eight o'clock, being the last guests who were there purely for pleasure. Those who followed us went for business, or were called to attend his sick-chamber. Mr. Webster was down before most of the party, and I found him talking with the three gentlemen in the library. At breakfast, he said that he should not invite any more guests for the season to Marshfield, as he intended to leave there in about ten days. 'And, next week,' said he, 'I shall not be a gentleman. I mean to be a sportsman and a farmer, to go out on the waters for fish, and to go shooting. There will be no gentleman at the head of this house.'"

Mr. Ticknor writes:

"My daughter and I, on the 23d of September, went by the cars to Kingston; my kinsman, Mr. George Ticknor Curtis, was with us. We found Mr. Webster's carriage waiting to take us to Marshfield, and we arrived there about eleven o'clock. Mr. Webster had not left his room, but he soon appeared in the library; he looked better than when he was in Boston, and was dressed with great care. As soon as the first words of greeting were spoken, he said he wanted to tell me about the estate. He began its history before the period of the Revolution—gave me an account of the Thomas family, who had held it—to the time when he bought it of them. He expressed his attachment to it, as he had often done before; but added, that he did not know whether he should have liked it so much if he had not been so fond of the Thomases, and if the people in the neighborhood had not been so true-hearted and faithful a race of men. He said he had been very happy there, and that the sea-air, and the sort of fisherman's and farmer's life he led there, had always suited him; he thought it was useful to him even in the winter.

"He asked me to go out with Mr. Abbott, his secretary, because he was not strong enough to go himself, telling Mr. Abbott where to carry me, and charging him to show me certain of the creatures, and a particular turnip-field, which, he said, was in an absolute state of perfection.

"We made a long walk of it. I saw the creatures, who seemed very fine and very contented; and the field, where the turnips were prodigiously large, but little of the land was rich by nature, and the whole large estate showed plainly that a great deal of money had been expended in forcing an unnatural culture—at least it seemed so to me, though I felt that I was no fit judge in such matters.

"The dinner was served in the style of a handsome country establishment; two Miss Fletchers, connections of the first Mrs. Webster, Mr. Abbott, and ourselves, formed the company. William, the negro, whom he had some time before bought and emancipated, seemed to claim the exclusive right to serve Mr. Webster, but he hardly ate or drank any thing; a bowl of something like gruel was brought to him; he was very agree-

able, but I think it was some effort to him to be so. While we were at dinner, Mr., Mrs., and Miss Franklin Haven arrived, but we did not see them till we were at tea.

"After dinner, he gave me the protocol and papers on the fishery question, and explained to me how he had intended to complete the unfinished argument. It struck me that it was logical and strong, but I forget its precise form. He said, as he gave them to me, that he wished I would read them carefully; and added: 'President Fillmore thinks the protocol is as able as any thing I have done of late.' I understood the intimation; it was a misgiving as to the full strength of his powers. The protocol was not of sufficient consequence, it struck me, to settle that doubt; but the beginning of the general argument, with the explanation of the manner in which he meant to carry it on, left no hesitation in my mind, and, when I returned the papers, I told him so. What I said (I do not remember the words I used) was evidently not unwelcome to him.

"In the evening he played a rubber of whist, which he had not for some time been able to do, and I observed that he did not play as well as usual. According to his habit, he went to bed early. During the whole evening he was very natural, lively, and gay; sometimes, while playing whist, he made jokes, and broke out with snatches of old songs.

"The next morning he was in the library before I was, though I think he was not well enough to rise as early as usual. We sat long at the breakfast-table. He arranged plans that would occupy each of us for the morning; talked about his farming, and showed us drawings of several of his finest creatures. Mrs. Webster took me in her carriage a long distance to find some remarkable fossils, which Sir C. Lyell had heard of, and concerning which I had promised him to make inquiry. We went to several farmers' and fishermen's houses, where I was most kindly received on Mr. Webster's account, and brought away plentiful specimens. It was evident that the Webster family were a peculiar and favorite people with the persons I saw; the anxiety about Mr. Webster's health was very great and sincere.

"On our way back, we were to meet him at a rendezvous, to see his favorite creatures; he was there before us, and waited for us.

"The weather was not favorable. Our examination of the cattle was very short, and I had not knowledge enough to appreciate their fine points. He showed some disappointment, for, if the weather had been good, he would have lingered there; but, being in an open carriage, it was unsafe for him in so chilling a temperature.

"I should have said that he himself drove Mr. Haven in an open carriage. When we reached the house, Mr. Webster took me to his private sitting-room, where a portrait of his daughter Julia hung over the fireplace. He talked of her and the interest she had taken in the place, the designs she had made for the library, and the strong desire she had expressed, in England, to be again in Marshfield. He was much moved; he gave me the newspapers to read, and turned to the table to write.

"Mr. Abbott told me that, at that time, he read no newspapers; the political campaign, which ended in the election of President Pierce, was then at the height of its violence, and no conversation, that approached the subject, occurred while I was at Marshfield.

"At dinner Mr. Webster was as abstemious as he had been the day before; but the whole wealth of Marshfield was on the table.

"The fish, of which the 'chowder' was made, had been picked from a large freight caught that morning; and the mutton had been raised and killed upon the place. Neither could be found better anywhere, and he was proud of both. He was in excellent spirits, and told some of his best stories in his happiest manner. On yielding once, very gracefully, to Mrs. Webster, in some arrangement she wished to make for her guests, he said he was reminded of a Mr. Huntington, of Connecticut, in the days of Connecticut's simple ways and steady habits. He was chosen Lieutenant-Governor of the State, and a committee of the Legislature was sent from Hartford to announce it to him. He was in the field, and they waited in his best room while he was summoned, and put on his Sunday clothes. The chairman of the committee very solemnly announced the honor which had been conferred upon him, to which Mr. Huntington, with equal solemnity, replied that he accepted it with great distrust of himself, but not without hope that he might be able to fulfil in some good degree the duties it imposed upon him, as he had held a similar office for nearly forty years in his own family.

"In the evening he was not so well, and went to his private room for a short time, but, when with us, he made an effort, and was bright and pleasant. He told me that he lay awake at night a good deal, and that he took great interest in watching the stars, and marking the hours by their progress. He showed me a boat upon the pond, close to the house, which had a small flag of the Union floating from the top of a pole which stood in the place of a mast. He called it his 'Home Squadron,' and said that he loved to distinguish those bright and beautiful stripes in the first dawn of the morning. The next morning he was up early, and seemed uncommonly well.

"We had a very luxurious breakfast; the fish, especially, was prepared in various ways, as he had himself directed; but he ate little except some porridge, or something of that sort.

"After breakfast he took me aside, and said he thought, before long, he should be able to come to Boston; adding, that he felt better, but that he didn't care to have people think that he was well, for he didn't mean to work as hard as he had done. 'I mean to take things easy,' he said. I told him I thought he was better than when I arrived at Marshfield two days before; but that I hoped he would not presume upon his strength. He answered that he should not, and then spoke of what was to be done in Washington, before the next meeting of Congress, in a way that proved he did not doubt he should be there to do it. The carriage was then announced that was to take us to the railroad; he accompanied us, and

saw us safely into it; and, as we drove off, he waved his hand to us, standing in his doorway as erect, imposing, and majestic a figure as he had been in his better days.

"I had no misgivings that it was the last time I should see him. This was on the 25th of September."

How the days wore on at Marshfield, after we left, there are means of knowing from Mr. Webster's own letters—for he continued to write to the President from the 28th of September to the 18th of October—and also from the letters of Mr. Abbott.

[TO THE PRESIDENT.]

"MARSHFIELD, *September* 30, 1852.

"MY DEAR SIR: Dr. Jeffries has been down, and stayed two nights, and has freely conversed with Dr. Porter, our local physician. Their statement is more favorable than I expected, for I have been much alarmed, and that alarm has not all subsided yet. I will send you a copy of their statement, as soon as I can get one of them to make it out.

"Yours, always truly,

"DANIEL WEBSTER."

[FROM THE PRESIDENT.]

"WASHINGTON, *October* 1, 1852.

"MY DEAR SIR: I have this moment received yours of the 28th ultimo, and have perused it with a good deal of solicitude. I shall not cease to feel the utmost solicitude until I know that you are restored to health. I sincerely hope you may have the benefit of the advice of your old physician from Boston, and after he has paid you a friendly visit, and one which I earnestly desire may be the means of restoring you to health, may I anticipate the satisfaction of hearing from you again? It is a source of great gratification to know that, at the time you wrote, you were free from pain.

"All things are going on as well as usual, but I have not been able as yet to obtain any proposition in reference to the Lobos affairs from Mr. Osma, the new minister. He left for New York immediately after his reception, and I have requested the acting Secretary to ask him to return, and he may be here to-day.

"Hoping soon to hear of your restoration to health,

"I remain, truly and sincerely yours,

"MILLARD FILLMORE."

[TO THE PRESIDENT.]

"MARSHFIELD, *October* 4, 1852.

"MY DEAR SIR: I thank you for your kind and sympathizing letters respecting my health. The doctors have agreed to have another confer-

ence, before they make any statement. The reason is, that, although all who know Dr. Jeffries and Dr. Porter have entire confidence in them, yet friends in Boston insist that they shall be permitted to send down a medical man of high reputation in his profession; and they have proposed either Dr. Warren, Senior, or Dr. Jackson; of course, I could not object to this, and in a day or two I shall see them here. . . .

"I trust you and your family are all well.

"Yours, always truly,

"DANIEL WEBSTER."

[TO THE PRESIDENT.]

(*Private and confidential.*)

"MARSHFIELD, *October* 8, 1852.

"MY DEAR SIR: The physicians assembled here on the 6th instant, and explored and scrutinized me from top to toe, as if I had been the subject of a *post-mortem examination.* The result of their opinion was, that the inflammation of the stomach and bowels was gradually giving way to the exhibition of medicines, and the effect of diet and regimen.

"But they do not encourage me to hope for any rapid progress of recovery. They recommend a change in diet, and the use of plain nutritious food, so far as I have appetite for it, but there is difficulty in obtaining this appetite. It is a great while since I have been hungry. The case is somewhat complicated. Last year, at the breaking up of my catarrh, I experienced occasional pains in my feet, which gave me a twinge not known to my forefathers. All these went off, however, at that time, with the catarrh itself. They have returned in some measure this year, and give occasional trouble to the feet by short paroxysms of pain, and by producing, not unfrequently, a considerable degree of swelling.

"In the actual state of things, I get little exercise, except walking.

"Indeed, I believe I have been off the farm but once since I came here, and that was when I made a forced march to Boston for consultation.

"The doctors insist on steady quiet and repose, but say, nevertheless, that it is not injurious to dictate three or four hours every morning to a clerk upon subjects not very anxious or absorbing. What they insist on mainly is, that I shall not show myself to mere callers and inquirers, each with a whole budget of questions, and to this I strictly conform.

"Yours, always truly

"DAN'L WEBSTER."

Mr. Ticknor says:

"Early in October, disheartening accounts began to arrive. On the 5th I wrote to Mr. G. J. Abbott, whom, in his will, he has truly called 'his friend,' and who was then acting as his private secretary. On the 11th he replied: 'I should have written you, my dear sir, if I could have communicated any thing of encouragement. It is useless to deceive our-

selves. The days pass on, and, with the passage of each, I see a gradual decline. The mind is as bright as ever. Now and then it lights up, and reminds me of the old time. A flash of the genial humor of the past brings a smile or a laugh, but the physical system yields, notwithstanding the strong will, which I have seen so often exerted with wonderful effect. Dr. Jeffries is here to-night—we have little encouragement from him. I write the above confidentially to you, thinking it barely possible you may like to have some *last thing* done.'

"Dr. Jackson[1] went to Marshfield about this time. On his return, he told me that Mr. Webster had a mortal disease in some one of the great organs of the abdomen, but that, after the most careful examination, he could not tell in which of them it was, with any considerable degree of confidence. He thought it had existed for more than a year, because, in August, 1851, he did not suffer as usual from his annual catarrh.[2] As the disease, whatever it was, advanced slowly, he thought its progress would continue slow, and that Mr. Webster, if he were very careful, and avoided labor, might be able to go to Washington in the course of the autumn; he added, however, that, although he had given all the faculties he possessed to an examination of this case, he had still seen Mr. Webster but once, and could not feel great confidence in his own opinion. He was satisfied, however, that he would not recover from the disease, whatever it might be.

"On the 13th October Dr. Jackson wrote me a note saying, 'I am sorry to tell you that the intelligence from Marshfield is less favorable.' I went to see him, and he said that Dr. Jeffries had come from Marshfield, but would return there immediately—that he reported Mr. Webster to be more ill than at any time previous. I went directly to see Dr. Jeffries. He said there had been fluctuations in the disease, but that he thought it had made constant progress; he believed it to be in the liver, but did not feel certain. Mr. Webster, he said, seemed under the impression that he should not recover, and had spoken of making his will. Dr. Jeffries was to return to Marshfield that afternoon, and said that he should inform Mr. Paige day by day of the state of things at Marshfield, and that from him I could always get the latest intelligence.

"On mentioning this communication the next day to Dr. Jackson, he said that, if Mr. Webster had an idea of making a will, he ought to be encouraged to do it. If any burden of that kind was on the mind of a patient, it ought to be removed—he thought he had known persons recover in consequence of making a will, who would have died from anxiety of mind in thinking about it. Mr. Paige, to whom I mentioned this, said

[1] The late Dr. James Jackson, one of the most eminent physicians and one of the wisest men of his time.

[2] The *autopsy* revealed the fact that the principal seat of the disease was in the liver, and entirely confirmed Dr. Jackson's opinion of its long existence. The disorder was what is medically termed "cirrhosis" of that organ.—(See the medical and surgical account of Mr. Webster's last illness and the *post-mortem* appearances, in the *American Journal of the Medical Sciences*, for January, 1853.)

there was no one then at Marshfield who could assist Mr. Webster in such a matter, and that some friend must be sent down for the purpose."

[MR. ABBOTT TO A FRIEND IN WASHINGTON.]

"MARSHFIELD, Sunday Evening, *October* 10, 1852.

"MY DEAR ——: . . . In the midst of his own physical sufferings, Mr. Webster never ceases to think of others. He forgets not to send to a friend in Boston a fresh-caught fish, to another a teal shot in the little lake near his house, or a pair of ducks brought down by the unerring aim of his faithful boat-keeper; to a lady friend in Washington he sends some of the magnificent fruit with which his trees are loaded, and to another in Boston a noble saddle of mutton from his own flock.

"A few hours since, he sent for me, and dictated a beautiful and touching letter, intended to reconcile two of his friends for whom he felt much esteem, but whose feelings toward each other had become embittered by an unfortunate lawsuit in which they were involved. After it was prepared, John Taylor was called, to whom he intrusted the care of the whole matter, and asked if the letter could be improved. John Taylor told him that it was such a one as no other man could have written. This reminds me that Mr. Choate once said, when a friend placed in his hands a letter of Mr. Webster for publication, with a request from him to look over and correct it, 'that he should as soon think of correcting the Psalms of David.' And Mr. Everett once remarked, in reference to a proposed correction of one of the most beautiful passages in the oration at the laying of the corner-stone of the Bunker-Hill Monument, 'that he should as soon think of wiping the apple of his eye with a crash towel.'

"At his request, his son raised him up in the bed that he might affix his name to the letter and envelope, which I placed before him, while John Taylor held the candle. Not liking the cramped manner in which he had written his name on the envelope, he asked John, 'if it did not look squat?' John told him it did, and he asked for another and wrote his name in a fair hand. He said it reminded him of a story of Judge Smith of Exeter, who, when Governor of New Hampshire, and reviewing a regiment of militia, complimented the chaplain on the excellence of his prayer on the occasion. 'It would have been much better,' said the clergyman, 'if I had not been squat for time.' At this sally, of course we all laughed heartily.

"Mr. Webster has not sat up to-day. It has been throughout gloomy, foggy, or rainy, and so he has kept his bed, which, by-the-way, his physicians recommend. . . .

"Yours, affectionately,

"G. J. ABBOTT."

On the same Sunday evening on which this letter was written (October 10th), Mr. Abbott was sitting with Mr. Webster

alone. Mr. Webster desired him to read aloud the ninth chapter of St. Mark's Gospel, where the man who brought his child to Jesus to be cured, was told, "If thou canst believe, all things are possible to him that believeth; and straightway the father of the child cried out, with tears, Lord, I believe, help Thou mine unbelief." He then requested Mr. Abbott to turn to the tenth chapter of St. John, where it is said, "And many believed on Him there." He then dictated an inscription, which he said was to be placed on his monument. A few days later, on the 15th, he revised and corrected it with his own hand, and then wrote out a fair copy of it and signed it. It is in these words:

"'Lord, I believe; help Thou mine unbelief.'

"Philosophical argument, especially that drawn from the vastness of the universe in comparison with the apparent insignificance of this Globe, has sometimes shaken my reason for the faith that is in me; but my heart has assured, and reassured me, that the Gospel of Jesus Christ must be a Divine Reality.

"The Sermon on the Mount cannot be a merely human production. This belief enters into the very depth of my conscience. The whole history of man proves it.

"Dan'l Webster."

When he first dictated this inscription, he said to Mr. Abbott: "If I get well, and write a book on Christianity, about which we have talked, we can attend more fully to this matter. But, if I should be taken away suddenly, I do not wish to leave any duty of this kind unperformed. I want to leave somewhere a declaration of my belief in Christianity. I do not wish to go into any doctrinal distinctions in regard to the person of Jesus, but I wish to express my belief in His divine mission."

As his nights at this period began to be very sleepless, the thought occurred to him to illuminate the flag on the little boat beneath his window, already mentioned by Mr. Ticknor, that he might distinguish the stars and stripes. The story was told by Hatch, and from him it may be best repeated:

"One day, about three weeks before he died, he called me in and told me I must keep a secret. Well, I told him, I couldn't keep it until I knew it. He had a boat that he called the Home Squadron, though its name was Cruiser; and it was kept on the pond behind the house, just where he could see it as he lay in his bed. It hadn't any sail, but it had a pole for

a flag; and he had a small United States flag nailed to the top of the pole; so he told me that I must go and get a nice ship-lantern, and trim it, and the next evening at six o'clock I was to put it on his Home Squadron, and nobody was to know of it till it was there; and when it was ready, I was to come and tell him. So I did as he told me, and when it was all ready I went in and said, 'Mr. Webster, there's a flock of geese on the pond.' He understood me in a minute, and said to Mrs. Webster, 'My dear, Hatch says there's a flock of geese on the pond; come and see them.' 'Seems to me you are very childish,' said she; but she went to the window and cried out, 'Why, my dear, your boat's all on fire!' 'That's the flock of geese,' said he. And I was to trim the lantern, and put it up at six o'clock, and take it down at six in the morning, *as long as he lived.* He said it comforted him to look out and see it there, and see the flag too." [1]

It was also during these days of the gradual declension of his strength, and after he had become unable to go abroad, that the incident occurred which was so characteristic of him, and which has been perhaps more remembered than almost any thing of the same nature that has been told of him. Mr. Webster, as we have seen, had an extraordinary fondness for great oxen, and he took much pains to possess the choicest breeds. He liked a good horse, and appreciated the fine points of that animal; but he was not a *lover* of the horse. I am not aware that he cared any thing for dogs, although, in his most active days of shooting, he may have kept a spaniel or a pointer. But of all the brute creation, he loved the ox. Oxen were the pets of his large agricultural tastes; and, when he could not see and feed them, he missed one of his greatest pleasures. He had come down one fine morning after a night of pain, and was seated in one of the parlors that looked upon the lawn. There he had a herd of his best oxen driven in front of the windows, that he might look once more into their great, gentle eyes, and see them crop the grass. "It was," said Porter Wright, in his natural way, "his last enjoyment." [2]

[1] Ticknor MSS.

[2] The following is Mr. Wright's relation of this occurrence, given after Mr. Webster's death:

"There have been thirty men employed some years, and thirty-two for a few days, mechanics as well as farm workmen. He had one hundred and ten head of cattle when he had the most. He raised some, but, when he went up into New Hampshire, he'd buy a great many; he'd buy all the handsome oxen he saw—twenty at a time some years. He was fonder of stock than any other part of a farm. When he had friends with him, he would have some of his finest oxen yoked up and driven to the house, that they might see them. That is the way he saw them last from his window. It was not a large lot, but they were his best oxen. He sat there, talking with Mr. Thomas and Mr. Curtis, and looking at his creatures, and he enjoyed it; it was his last enjoyment. It was about a week before he died."—(*Ticknor MSS.*)

[TO THE PRESIDENT.]

(*Private and confidential.*)

"MARSHFIELD, *October* 15, 1852.

"MY DEAR SIR: I thank you from the bottom of my heart for your kind letter. Your letters are always kind. I have been in great danger. I am attended, nearly every day, by two physicians; and yet, strange as it may seem, when I have got through the night, I can sit an hour at the table, and write a letter, and sign others. I don't foresee the result. I am in the hands of God, and may He preserve and bless you and yours evermore!

"DAN'L WEBSTER."

[MR. ABBOTT TO A FRIEND.]

"MARSHFIELD, Saturday Evening, *October* 16, 1852.

"MY DEAR ——: . . . I am watching, as you know, at the side of Mr. Webster. Sometimes the terrible thought comes to me, when he seems as he did this evening, that a very few hours even may terminate the scene; at others, he looks so bright and cheerful, and talks so encouragingly of the future, and of the pursuits and occupations that must require months and years for their completion, that for a moment I forget that I am in a sick-chamber, and enter into and partake of his bright hopes and expectations.

"When you hear any one make such unjust remarks as those to which you allude, in respect to the course which Mr. Webster has thought proper to pursue in the pending contest, you may say that he takes but little interest in what is going on in the political world; he encourages no movement of any kind; he discourages none; he has withdrawn entirely from all party action; his thoughts are occupied with higher considerations, and with subjects of eternal moment.

"In these quiet groves the bustle of politics and the harsh sounds of electioneering contests are neither felt nor heard. Mr. Webster is endeavoring, under the aid of skilful and experienced physicians, to combat his annual catarrh and its attendant disease, and to regain his wasted strength; entire rest, both of body and mind, is not only absolutely necessary for his restoration, but constitutes almost our only *hope* of his recovery. He could no more speak in Faneuil Hall, as those who call themselves his political friends desire, even if his judgment approved the cause, or even walk to his office in the garden, where, as he said, he does his hard work, than he could raise the sick to health.

"In such a state as he is can it be expected that his *true* friends should trouble him about passing events, in which he takes but little interest? Our anxious concern is for his present comfort. To *you*, I may say we are all suffering intensely; we try to hope for the best, but I fear, alas! it is *hope*, not expectation.

"It is almost as if we should imagine that the great river of life, when near its termination, should turn again to its source, or that the descending sun in the heavens should stop in its course. . . .

"Yours, always truly,

"G. J. ABBOTT."

[TO THE PRESIDENT.]

"SUNDAY, *October* 17, 1852.

"MY DEAR SIR: I have had two comfortable nights, on the whole, since I wrote you, though last night I had an excessively painful attack, which cost Dr. Jeffries two hours to subdue. I then went to sleep and slept sweetly. This is a beautiful, brilliant, but very cold October morning, and now (eleven o'clock) I feel uncommonly well and strong; some symptoms are decidedly better. They measure me like an ox, and find that there is a small but positive diminution of the distention of the stomach and bowels. We must see now, ere long, what turn things will be likely to take.

"Yours, always truly,

"DAN'L WEBSTER."

[TO THE PRESIDENT.]

"MARSHFIELD, *October* 17, 1852.

"MY DEAR SIR: It has been so kind in Mr. Conrad to trouble himself with the concerns of my department, in my absence, that I should be glad to show him some mark of grateful respect.

"It is a feather in the life of a public man to sign a treaty, and I should be glad that he should have the opportunity of signing one before my return. If you have concluded to submit the copyright treaty to the Senate, I propose to you to suggest to him, as from yourself, but with my hearty concurrence, that he should sign it. I do not think of any other treaty we have now on hand.

"Yours, always truly,

"DAN'L WEBSTER."

[TO THE PRESIDENT.]

"Monday Morning, *October* 18, 1852.

"MY DEAR SIR: By the blessing of Providence, I have had another comparatively good night, the afternoon attack coming later, and not lasting so long, and then an excellent sleep. At this hour (ten o'clock) I feel easy and strong, and as if I could go into the Senate and make a speech! At one, I shall sink all away; be obliged to go to bed at three, and go through the evening spasms. What all this is to come to, God only knows! My dear sir, I should love to pass the last moments of your Administration with you, and around your council-board. But let not this embarrass you. Consider my resignation as always before you, to be ac

cepted any moment you please. I hope God, in His mercy, may preserve me, but His will be done!

"I have every thing right about me, and the weather is glorious.

"I do not read the newspapers, but my wife sometimes reads to me the contents of some of them.

"I fear things do not look very well for our side.

"Yours, always truly,

"Dan'l Webster."

At the request of Mr. Paige, Mr. Webster's brother-in-law, I went to Marshfield on Monday, the 18th, for the purpose of assisting Mr. Webster in the preparation of his will, and to be with him, for any purpose in which I could contribute to his comfort, through what we all now feared would be his last illness. I found him seated in one of the parlors, excessively emaciated and feeble, but he had a little writing-table before him, and appeared to have been using his pen, at least for signatures.[1] When I greeted him, he held out his hand and said, with a smile: "I am very thankful to you for coming, for I have much to say to you. I hope you will become a transplanted tree, and take root at Marshfield; we set out trees here sometimes." I assured him I should remain as long as he needed me. In a short time he went to his chamber, supported between two of his strong farm laborers, who had learned to assist his movements with great gentleness. He was soon asleep under the influence of an anodyne. On the following day, Dr. Jeffries arrived with Mr. Paige. In the mean time, I had learned from Mr. Edward Curtis, of New York, a gentleman to whom Mr. Webster was strongly attached, and who was then staying in the house, that some days previously Mr. Webster had received a letter from several of his personal friends in New York, urgently requesting him to write a public letter in favor of the election of General Scott. The gentlemen who made this request were persons for whom Mr. Webster had great regard, and it was painful to him to refuse them any thing. I found that Mr. Paige concurred with me in the opinion that, aside from all other reasons or considerations, Mr. Webster ought not, now that he could probably live but a few days, or at all

[1] The last letter which he wrote with his own hand was written this morning. It is the one addressed to President Fillmore, *supra*.

events since he was in a condition of great danger, to send forth a political manifesto of any kind. Mr. Fletcher Webster was earnestly opposed to his father's complying with the request that had been made; and, after a time, Mr. Edward Curtis took a different view of this subject from that with which he first came to Marshfield, and it was agreed among us that, when Mr. Webster should mention the subject to either of us, we should tell him that the only question, in our opinion, related to the mode in which he was to communicate his refusal to gentlemen for whom he had a strong personal regard. At this time, two answers had been prepared, but Mr. Webster had not allowed either of them to be sent. The first one, dictated by himself, had expressed with severe distinctness the public reasons why he could not approve of the Baltimore nomination. The second draft was less emphatic, and omitted the censures implied in the first. Mr. Webster now requested Mr. Paige to place the New-York letter in my hands, sending me word that he wished me to prepare an answer to it for his consideration.

But it was necessary that this matter should be laid aside for the present, in order that Mr. Webster might give directions concerning his will. On the following morning (Tuesday), I was with him alone, for a long time; no one but Mrs. Webster, or Sarah his nurse, coming into the chamber, and this only at intervals to attend to any thing he might need. When he began to give me directions about his will, he said that he had always liked the old fashion of commencing such instruments with religious expressions, and with a recognition of one's dependence upon God. "Follow the old forms," he said, "and do not let me go out of the world without acknowledging my Maker." He then dictated a considerable part of the outline of his will, from which, and from other memoranda that had been written before I arrived, the formal instrument could be prepared. His sentences as I wrote them down—for I desired him as much as possible to give me his own language—were dictated with the utmost precision, clearness, and fulness. When he came to make the provision respecting a literary executorship, he said what I have mentioned in the Preface of this work, and he also added, what is not there repeated, that he supposed, at some time, it would be proper that

his life should be written, but he did not indicate at what time it should be done, saying that he wished to leave every thing to the discretion of his literary executors.

But he was greatly embarrassed and troubled about the disposal of the Marshfield property. He wished to leave that estate to his son Fletcher for life, and then to one of Fletcher's sons. Mrs. Webster's trustees, however, under her marriage settlement had a mortgage upon it for her whole separate fortune; and he had no means of compensating them from personal estate, for a surrender of her rights, or of making any provision for her future comfort. This alone gave him pain in regard to his worldly affairs; for he believed (although erroneously) that he had property enough, if suitably administered, to satisfy his debts, and still to leave the Green Harbor estate large enough for a home for his son and grandson. He longed to perpetuate it, as far as he could, in his name and blood. But he intended to make a will that should be satisfactory and just to every member of his family capable of understanding it; to have it submitted to Mrs. Webster and to Fletcher before its execution, and to make his own signature to it the expression of their assent as well as of his own purposes. His anxiety, however, about a suitable provision for Mrs. Webster could have but one relief, and how that could come was in his mind and in my own when he began to converse on the subject. He thought and suggested that, if he could have even a verbal assurance that the subscribers to his annuity would continue it to Mrs. Webster after his death, it would be right for him to make such a disposition of Green Harbor that Mrs. Webster's trustees could properly relinquish the estate to the uses of his descendants. "How, then," he asked me, "can we know what I am to do for my dear wife?" I replied that I would go to Boston the next morning, in order to see some of the gentlemen who were subscribers to his annuity, and that I did not doubt his anxiety would be relieved by the next evening. He then said: "I am keeping you here to your own great inconvenience; you must return and stay here, and consider yourself as rendering a professional service, and must be compensated in the usual way." I replied, laughing: "Mr. Webster, I cannot have *you* for a cli-

ent; we are of the same guild, you know." "True," he answered, "we are Free-Masons enough for that," and then he added: "you are very kind; go—and let William drive you, with my best horse, to the early train; but you will have to rise at four o'clock." As this was not a great obstacle, it was arranged that I should leave him in the morning.

As he had now conversed as much as was proper for him, I rose, and, gathering up the papers, walked to the bedside to take leave of him. He was lying in an easy posture, without pain or suffering, but with his eyes covered with a napkin, which the watchful Sarah had placed over them because she thought that he could not bear the light, which he would not allow to be excluded from the room. As he held out his hand to me, I said: "Mr. Webster, this New-York letter does not require immediate attention, and I beg you not to feel troubled about it." "My dear friend," was his answer, "I care no more about politics than the jackdaw that sits on the top of St. Paul's. Go down to the library, and read Cowper's 'Jackdaw.' He then repeated some of the lines:

"'You think, no doubt, he sits and muses
On future broken bones and bruises,
If he should chance to fall.
No; not a single thought like that
Employs his philosophic pate,
Or troubles it at all.

"'He sees that this great roundabout,
The world, with all its motley rout,
Church, army, physic, law,
Its customs and its businesses,
Is no concern at all of his;
And says—what says he?—Caw!'"

He was more ill during that night than he had been previously. Mrs. Baker afterward said:

"Tuesday night, before he died, I watched with him—he waked up suddenly, and said, in a very loud voice, 'I'm dead, I'm dead!' Mrs. Webster ran in and we found that he felt numb—we rubbed him, and he revived; but, after Mrs. Webster had gone again, he called me to him, and said: "Don't you go to sleep, not a wink for a thousand dollars; take the hartshorn and hold it to my nose every fifteen minutes whether I'm awake or asleep—rub me with spirits, and keep hold of my right hand." I think he imagined he might die suddenly.[1]

[1] Ticknor MSS.

In the train, on the following morning, many persons to whom I was known came to me, to inquire about Mr. Webster; and, when I told them that he probably could not live many days, tears filled their eyes. They were startled, for they had not known he was so ill, and they had never accustomed themselves to the thought of losing him. To them, it was as if he were a part of the established and perpetual system of the world. When the train arrived in the city, the intelligence of Mr. Webster's condition spread everywhere with great rapidity, and, when I reached the principal quarters of business, gloom and anxiety were in all faces.

I soon met a gentleman whom I knew to be one of the subscribers to Mr. Webster's annuity. To him I explained the nature of my errand, and then asked him how I should take steps to receive from a sufficient number of the other subscribers such assurances as would relieve Mr. Webster's anxiety. "You need not go further," he answered; "go back to Marshfield, and tell Mr. Webster to make any disposition of his landed property that he desires, and his friends will see that his wishes are carried out. I undertake to see it done." Knowing that this gentleman both could and would cause every thing needful to be done, I sought for nothing more.[1]

While taking an early dinner that day at my own house, in Boston, another gentleman rang at my door and called me out. As I met him, he placed in my hand a thick roll of bank-notes, desiring me to convey it to Mr. Webster. When I asked from whom it came, he mentioned the name of a venerable and wealthy citizen of Boston, who had heard that Mr. Webster was dying, and who had said that, "at such a time, there ought to be no want of money in Mr. Webster's house."[2]

[1] This will explain how Mr. Webster's will, in respect to the disposition of his two estates at Marshfield and Franklin, came to be settled entirely on the confidence that his friends would enable its trusts to be carried out. As the gentleman, of whom the anecdote in the text is told, is no longer living, I may mention his name. It was the late Mr. John Eliot Thayer, an eminent and very successful banker. After Mr. Webster's death, arrangements were made by his friends in Boston and New York, through which the trusts of the will could be carried out, and Mrs. Webster was placed in a position of ease and independence. In a short time after Mr. Webster's death, she transferred her residence to the city of New York, where she has ever since lived in great comfort and honor, and among her own kindred.

[2] This generous and thoughtful old friend has also long since gone where the recording angel may be humbly supposed to have noted such deeds, with which his life was filled. He was familiarly known

After I had returned to Marshfield that evening, I learned that another letter had been received by Mr. Webster from a friend in the city of New York, begging that the first one, in relation to the support of General Scott's nomination, might be answered. On the following morning (Thursday) I was again with Mr. Webster to receive further instructions for the will. I found him cheerful, but very much weakened by the progress of the disease. He inquired the public news, and I told him that the State elections in Pennsylvania and elsewhere had resulted in great majorities for the Democratic party. "Yes," he said, "that party will sweep the country; the Whig candidate will obtain but one or two States; and it is well; as a *national* party, the Whigs are ended."

He then spoke of his own condition, saying: "I think I shall get well, but I may not; and therefore there are two or three things which I wish to say to you." He then asked me if I had seen the letter received on the day before from one of his friends in New York. I replied that I had not seen it, but that it seemed to me that the original letter, about which he had conversed with me previously, admitted of an answer, to which its signers could take no exception, and that, as they were persons for whom he had great regard, I hoped that such an answer would be made. He then said: "This is a matter of principle and character and reputation with me, and I will die, before I will do any thing, directly or indirectly, from which it is to be inferred that I acquiesce in the nomination made at Baltimore. I ask nobody to vote for me, I expect it of nobody; I find fault with nobody for supporting the nomination. But I cannot and will not say that I acquiesce in it. Go back to my original answer to the New-York letter, which I dictated, but have not signed. Those are my sentiments. I say to you now, as I said in that answer, that, if I were to do this thing, I should feel my cheeks already scorched with shame by the reproaches of posterity."

I then read to him a note which I had received that morning from a friend in Boston, expressing the hope that Mr. Webster would remain firm to his own opinion in this matter,

in Boston society as "Uncle Sam Appleton." He was a relative of Mr. Webster's son-in-law, Mr. Samuel Appleton Appleton.

and not be governed by the wishes of others. "Write to ——," said he, "and tell him to look over toward Charlestown, and see if Bunker Hill monument is still standing." This, I believe, was the last occasion on which Mr. Webster said any thing upon any political subject. He appeared from this time forward to dismiss from his mind all thought of political affairs; to live only in his affections for those who were dear to him; and to make preparation for that great change which might be soon at hand.

But, although he had thus withdrawn from all that world of public affairs in which his activity had been so great and his interest so deep, he did not to the last loosen his hold upon other relations of his earthly existence, or cease to think and act upon the most minute domestic concerns with the same exact attention that he had paid to them when in health. Besides his immediate family and servants, there were now with him two of his friends to whom he was tenderly attached, Mr. Harvey and Mr. Edward Curtis, his relatives Mr. and Mrs. Paige, his son-in-law Mr. Appleton, Mr. LeRoy, a brother of Mrs. Webster, and Miss Downs. The presence of these guests, and of the medical gentlemen who attended him, made a somewhat numerous household, for whose comfort he gave directions from day to day.[1] On Friday morning, before he gave me the last instructions for his will, he sent for Porter Wright, directed the farm-work for the day, and gave him money to pay the laborers, and all else due in the neighborhood. And so he went on through that day, with all his great

[1] This was the continuation of the habits of his life. Mr. Webster, when in health, and at home, was perpetually attentive to the most minute domestic concerns. Mrs. Baker said:

"There never was anybody more thoughtful about other people's comfort and pleasure; he'd give directions how dishes should be prepared that people liked.

Porter Wright said:

"I saw him every day, and he gave me directions about the work till Friday (two days before he died). He knew every thing about house and farm; gave directions about what should be killed for the family. I could not imagine hardly how a man that was so sick could think of such little things, and of other people, what they should eat, looking so bad as he did. The last time I saw him, to speak to him, was Saturday forenoon, the day before he died. He thought he shouldn't see me again, and he shook hands with me, and bid me good-by."

Mr. Weston's account was not less emphatic:

"There was no man who had a more tender feeling for his fellow-men—no man that did more to relieve their troubles, or took more pains to conceal what he did. He employed me for a good deal of such work, and I ought to know. I never saw any man that thought so much of the comfort of animals. He seemed to feel for them, and I always think we can judge something of the temper of a man by his treatment of his creatures. I've known some men that would beat their oxen because they were angry with a neighbor."—(*Ticknor MSS.*)

faculties and fancies under the same control that had marked his whole life; seeing, in the intervals when he was free from suffering, all who were in the house, conversing as he always had, but with a gentle and overflowing affection that seemed to grow stronger and stronger, as his bodily powers sank beneath the disease which was wearing away his life.[1]

He had now become so feeble that he could sit up only for a short time. He was placed in an easy-chair, and sat with Dr. Jeffries alone. The good doctor fell asleep for a moment, and Mr. Webster, who thought he was silent from sadness, said: "Cheer up, doctor, don't be sad—I shall get along." The doctor answered: "I was not sad, Mr. Webster; the truth is, I was in the land o' nod." "Well," said Mr. Webster, "that's all right."

In the course of that evening, his servant William, who was supporting him with a pillow, fell asleep. Mr. Webster turned to Dr. Jeffries, who was sitting by his bedside, and said, smiling, "William means to take it out." Later in the night he directed Sarah, who had been up for the two previous nights, to go to bed. She, however, came into the room as late as twelve o'clock, thinking he was asleep. He noticed her, and called out, "You everlasting Sarah, why are you not in bed?"

On the morning of Saturday, the 23d, he found himself so much more feeble than he had been, that he proceeded with great deliberation to arrange every thing with Dr. Jeffries for the final hour. They had hitherto exchanged no words that distinctly implied the approach of death. Mr. Webster, however, had been watching his own case with singular power of attention, and had been measuring what remained to him of vital force. He had concluded this to be his last day; and, as there was present no other ear but that of his faithful physician, to be pained by the expression of his thought, he said, with an even voice

[1] His cheerfulness and occasional humor were most remarkable. Mrs. Baker said:

"A few days before he died, I went into his room in the morning. There were so many people about him that I hadn't been in for two or three days. As soon as he saw me he smiled so sweetly, and spoke quite strong: 'Good-morning, my good old friend, I'm glad to see you; I thought you had forgotten me.'

"I told him why I had stayed away, and that we felt very lonely down-stairs without him. 'Oh!' said he, 'Mrs. Baker, perhaps I shall be down-stairs among you again, when the wind comes in shore.' I could hardly conceive how he could be so composed with so many people about him. He never showed the least agitation about his condition, or the least reluctance to die."—(*Ticknor MSS.*)

and perfect calmness, "Doctor, you have carried me through the night, I think you will get me through to-day. I shall die to-night." Dr. Jeffries, much moved, said, after a pause, "You are right, sir." Mr. Webster then went on: "I wish you, therefore, to send an express to Boston for some younger person to be with you. I shall die to-night. You are exhausted, and must be relieved. Who shall it be?" Dr. Jeffries suggested Dr. J. Mason Warren. Mr. Webster answered, instantly, "Let him be sent for." Dr. Jeffries then left the room, to write a note to Dr. Warren, and, on returning, he found that Mr. Webster had given complete directions how the note should be sent, who should be the messenger, what horse should be used, what road taken, and where a fresh horse could be procured; and how the messenger was to do his errand on reaching the city. He seemed to go on as a person who was making preparation for an event that was to happen to some one else; so complete was his control over himself, and his sufficiency for the needs of the occasion, that no one about him felt it to be necessary, in such matters, to do any thing but to follow and execute his directions.

At this time I was shut up in the library, which Mr. Fletcher Webster had closed for my use, while making the formal draught of the will; Dr. Jeffries came to me, and said that the will must be executed on that day; and that he would ascertain when Mr. Webster might wish to see me. The bad symptoms increased as the day passed on, but still the mind maintained its supreme serenity. At about four o'clock my task was finished, and the will was read by his son. It was then taken to Mrs. Webster, who retired to her own chamber, adjoining Mr. Webster's, where it was read to her by Mr. Paige. Dr. Jeffries soon afterward came to me, and said that Mr. Webster, for the past two hours, had seemed to be gathering his strength for some final act, and he advised that the will should be executed as soon as possible.

It was evening when Mr. Webster sent for me. When I reached his room, it seemed doubtful whether he could, for some time, attend to what he wished to do. In a little while, however, he inquired whether the will was ready for his signature, and, when informed that it was, he desired that Mrs.

Webster might be sent for. He was then in a sitting posture, supported in his bed by pillows.

By this time, nearly the whole household was assembled in his room. He asked if Mrs. Webster and his son had seen the will, and if they approved it; both assured him that they fully assented to it. Then he said: "Let me sign it now." I placed it before him, and he affixed his signature to it, strongly and clearly written; and, as he returned the pen to me, he said, looking at me with a peculiar smile, "Thank God for strength to do a sensible act;" and then immediately, and with great solemnity, raising both his hands, he added: "Oh, God! I thank Thee for all Thy mercies."

He then looked inquiringly around the room, as if to see that all were there whom he wished to address. As he was manifestly about to say something that ought to be preserved, I sat down at a table, in front of which some of the ladies were standing, and on which there happened to be ink and paper (the pen was still in my hand), and wrote down the words just as they fell from his lips. He spoke in a strong, full voice, that might have been heard over half the house, and with his usual modulation and emphasis; but very slowly, and with an occasional pause. He said:

"My general wish on earth has been to do my Maker's will. I thank Him now for all the mercies that surround me. I thank Him for the means He has given me of doing some little good; for my children—these beloved objects; for my nature and associations. I thank Him that I am to die, if I am, under so many circumstances of love and affection. I thank Him for all His care.

"No man, who is not a brute, can say that he is not afraid of death. No man can come back from *that* bourne; no man can comprehend the will or the works of God. That there *is* a God, all must acknowledge. I see Him in all these wondrous works. Himself, how wondrous![1]

"The great mystery is Jesus Christ—the Gospel. What would be the condition of any of us if we had not the hope of immortality? What ground is there to rest upon but the Gospel? There were scattered *hopes* of the immortality of the soul, running down, especially among the Jews. The Jews believed in a spiritual origin of creation. The Romans never reached it; the Greeks never reached it. It is a tradition, if that communication was made to the Jews by God Himself, through Moses and

[1] Paradise Lost.

the fathers.[1] But there is, even to the Jews, no direct assurance of an immortality in heaven. There is now and then a scattered intimation, as in Job, 'I know that my Redeemer liveth;' but a proper consideration of *that* does not refer it to Jesus Christ at all. But there *were* intimations—crepuscular—twilight. But, but, but, thank God, the Gospel of Jesus Christ brought life and immortality to *light—rescued* it—brought it to *light*. There is an admirable discourse on that subject by Dr. Barrow, Preacher to the Inner Temple. I think it is his sixth sermon.

"Well, I don't feel as if I am to fall off; I may."

He now paused for a short time; a drowsiness appeared to come over him, and his eyes were closed. In a moment or two he opened them, and, looking eagerly round, he asked: "Have I—wife, son, doctor, friends, are you all here?—have I, on this occasion, said any thing unworthy of Daniel Webster?" "No, no, dear sir," was the response from all.

He then began the words of the Lord's Prayer; but, after the first sentence, feeling faint, he cried out, earnestly, "Hold me up, I do not wish to pray with a fainting voice." He was instantly raised a little by a movement of the pillows, and then repeated the whole of the prayer in clear and distinct tones, ending his devotions with these words:

"And now, unto God the Father, Son, and Holy Ghost, be praise forever and forever! Peace on earth, and good-will to *men—that* is the happiness, the essence—*good-will toward men.*"

While he had been uttering the little discourse which has now been given, several of the colored servants had gathered at the door of the chamber, to hear the last words of a master who had emancipated more than one of them from slavery, and all

[1] *Sic.* I presume his meaning to have been, that, if the idea of a spiritual origin of creation was given to Moses and the *Patriarchs*, there is so much of a traditionary assurance of the being and attributes of God; but that the direct assurance of an immortal existence for man, which is not necessarily implied in the spiritual origin of creation, and which came through Christ, was needful to the completion of a religious system, and that it is a matter of direct evidence. It is certain that Mr. Webster always regarded the evidences of the Divine mission of Christ as constituting proofs that were to him entirely convincing, although he never undertook to speculate upon, or to assert, dogmatically, any peculiar view of the personal nature of Jesus. He applied to this subject, as he did to all other important human interests, the inductive method of reasoning, and not the deductive. He did not assume a postulate concerning the nature of Christ, and reason from it to certain conclusions; but he took the whole of what are properly regarded as the evidences of a special revelation, and from those evidences, and the correlative circumstances of man's situation in the universe, he formed his belief in a future state.

of whom loved him with their whole hearts. He did not see them, but he now asked for them:

"Where's Monica and the rest of them? Let me see their faces. —Come in here, ye faithful."

Then addressing those who stood by the bedside, he said:

"Remember, all, that *I* remember my three nieces—my brother's two children, my sister Sarah's daughter, Mrs. Emily Webster."

At this moment, Mrs. Webster, in a flood of tears, threw her arms around his neck. He soothed her emotion with a tender firmness, saying, "My dear wife, when you and I were married at the Bowling Green, we knew that we must one day part;" and, having in some degree calmed her agitation, he desired her to go again to her own room, telling her that he would send for her when it should be necessary to take final leave. He was then assisted to lie down, and, an opiate having been administered, he obtained some sleep.

Dr. J. Mason Warren had now arrived, and came to the bedside as soon as Mr. Webster was again awake. Mr. Webster turned to him, held out his hand, and answered the questions which he asked, which were few, from the fear of disturbing him. It was now about eight o'clock. Dr. Warren observes, in a written account of the case:

"Judging simply from the symptoms, I should, in any other case, have said that life could not have been prolonged half an hour. His great tenacity to life, and the very gradual modes in which the vital organs gave way, were remarkable; such as I do not remember to have witnessed in any other case. . . . In about half an hour after I entered the room, and, after a short interval of rest, he suddenly reached out his hand, and begged me to lift him up in bed, which, with assistance, was at once done; when, without any great effort, a large mass of blood was ejected from his stomach. He almost at once exclaimed, after this, 'I feel as if I were going to sink right away; am I dying?' We assured him that he was only faint; and, having placed him back on his pillow, administered a little stimulus, which soon restored the circulation."

After this, he desired that his friends, who had left him with the physicians and the attendants that he might, if possible, again sleep, should come to him one by one, for the last words of leave-taking that he wished to say to each; and, one by one, all went successively to receive from him words of

affection and consolation, uttered with his accustomed equanimity and with singular appropriateness to each case. This being done, he addressed himself, with all the strength of his great faculties, to the effort of obtaining a clear perception of the moment when he should be entering the confines of another world. He seemed to have an intense desire for a consciousness of the act of dying. "From this time," says Dr. Warren, "he fell into a kind of doze, arousing occasionally in a state of great exhaustion, demanding something to relieve him, saying, 'Give me *life*, give me *life*;' evidently feeling as if he might fall into a state in which he should be unable to realize the passage from life to death. He also asked me, once or twice, 'Am I alive, or am I dead?' and proposed other questions to the same effect." On one of these occasions, Dr. Jeffries repeated to him the text of Scripture—"Yea, though I walk through the valley of the shadow of death, I will fear no evil, for thou art with me; thy rod and thy staff they comfort me." "Yes," he said, "thy rod—thy staff—but the *fact*, the *fact* I want;" for he was not certain whether the words that had been repeated to him were intended as an intimation that he was already in the dark valley. On another occasion, he asked whether it were likely that the vomiting, from which he had suffered, would return before death; and when told that it was improbable, he asked, "Then *what* shall you do?" On being told that he would be supported by stimulants, and made as easy as possible by opiates, he inquired if the stimulant should not be given *then?* He was answered that it would not be given immediately, and he replied, "*When* you give it to me, I shall know that I may drop off at once." Satisfied that he would thus have a final warning of the approach of death, he said, "I will then put myself in a position to obtain a little repose;" and the repose came.

The whole household were now again in the room, calmly awaiting the moment when he would be released from pain. All were quiet and composed, save poor old Monica. She, in the ignorance and affection of her nature, for some time moved about incessantly, in much agitation, going frequently to the bedside, looking at her master, holding up her hands, muttering bits of prayers to herself, and taking little notice of the

people about her. Once or twice, however, she addressed herself to Dr. Warren and demanded, "Isn't he going to die?" or, "Why don't he die?" or, "You don't think he'll live to morning?" apparently laboring under the idea that the doctor had an agency in prolonging his sufferings.

It was past midnight, when, awaking from one of the slumbers that he had at intervals, he seemed not to know whether he had not already passed from his earthly existence. He made a strong effort to ascertain what the consciousness that he could still perceive actually was, and then uttered those well-known words, "I still live!" as if he had satisfied himself of the fact that he was striving to know. They were his last coherent utterance. A good deal later, he said something in which the word "poetry" was distinctly heard. His son immediately repeated to him one of the stanzas of Gray's Elegy. He heard it, and smiled.

After this, respiration became more difficult, and at length it went on with perceptible intervals. All was now hushed within the chamber; and to us who stood, waiting, there were but three sounds in Nature: the sighing of the autumn wind in the trees, the slow ticking of the clock in the hall below, and the deep breathing of our dying friend. Moments that seemed hours flowed on. Still the measured beat of time fell painfully distinct upon our ears; still the gentle moaning of the wind mingled with the only sound that arose within the room; for there were no sobs of women, no movements of men. So grand, and yet so calm and simple, had been his approach to the moment when we *must* know that he was with us no more, that he had lifted us into a composure which, but for his great example, we could not have felt. At twenty-three minutes before three o'clock, his breathing ceased; the features settled into a superb repose; and Dr. Jeffries, who still held the pulse, after waiting for a few seconds, gently laid down the arm, and, amid a breathless silence, pronounced the single word "Dead." The eyes were then closed, the remains were removed from the position in which death came, and all, but those who had been appointed to wait and watch, slowly and mournfully walked away.[1]

[1] The persons present when he died were, Mrs. Webster, Mr. and Mrs. Fletcher Webster, Mr. and Mrs. Paige, Mr. S. A. Appleton, Mr. LeRoy, Miss Downs,

Thus there passed out of this world the great soul of Daniel Webster; devoutly thankful for the good he had been permitted to do, conscious to the last hour of life in all his rich affections and splendid faculties, fully believing that he was entering another state of existence, and humbly trusting that his aims on earth had been to do the will of Him to whom he felt that all created intelligence and all human power are to render up their account.

Dr. Johnson is reported to have said, that "he believed hardly any man died without affectation."[1] Mr. Webster is known to have said: "One may live as a conqueror, a king, or a magistrate; but he must die as a man. The bed of death brings every human being to his pure individuality; to the intense contemplation of that deepest and most solemn of all relations, the relation between the creature and his Creator. Here it is that fame and renown cannot assist us; that all external things must fail to aid us; that even friends, affection, and human love and devotedness, cannot succor us."[2]

In the death of Mr. Webster, it may be justly said that his own pure individuality was as distinct and complete as it was in any passage or moment of his life. He was no actor, at any time. He had as little vanity as was ever seen in the nature of a great man. His greatness was without pomp, his elevation was without any tendency to display. As he had lived, so he died; leaving behind him just such testimony to the religious truths which he accepted as he had always borne through life to all other truth on which he felt it to be a duty to make known his opinions; leaving it in the most simple form, to be permanently recorded for those who might come to stand at his grave.

Few distinguished men have ever died of whose last days and hours we have a circumstantial account, who died with mental faculties so entirely untouched by decay or change of any kind. It seemed plain to those who saw and heard Mr. Webster, that death could have no power over that essence,

Mr. Harvey, Mr. E. Curtis, Mr. Zantsinger (of the State Department), Dr. Jeffries, Dr. Warren, Mr. C. H. Thomas, Mr. Weston, and myself; together with many of the servants.

[1] Boswell, Croker's edition, vol. v., ch. v.

[2] Eulogium pronounced before the Bar of Boston, on the Character of Mr. Justice Story—1845. Works, ii. 297.

whatever it may be, that constitutes the soul of man. We seemed to see it proved before us, that death is but the dissolution of the tie that has bound the immortal spirit to the perishable flesh.

The simplicity and true grandeur of Mr. Webster's character were alike evinced in the wishes which he expressed concerning his funeral obsequies. "I wish to be buried," he said in his will, "without the least show or ostentation, but in a manner respectful to my neighbors, whose kindness has contributed so much to the happiness of me and mine, and for whose prosperity I offer sincere prayers to God."

These were the words of one who, if he had not lived as a conqueror, had lived as a king of men, in all that realm of intellectual power which governs the concerns of nations. They were the words of one who could not appear anywhere among men, without drawing to himself a homage and an interest which marked, in an extraordinary degree, his personal supremacy. With a fame that filled his whole country, and was acknowledged throughout the world, after a life of public civil service whose importance was felt wherever his country was known, he wished only for such funeral honors as, in the decent customs of a rural neighborhood, might accord with the feelings of the simple and faithful people among whom he was to die.

Yet it would have been ordered otherwise, if he had not so expressed his wishes. The President of the United States sent an agent of the State Department, specially to propose a public funeral, and to take charge of it in the name and with the resources of the Government. The public feeling throughout the whole country united with the desire of its Chief Magistrate. But all men felt, when Mr. Webster's wishes became known, that the funeral honors most fitting to be paid to him would be such as he himself had desired.

Accordingly, at noon on Friday, the 29th day of October, 1852, the gates of his late residence were thrown wide, that all who wished might come to look for the last time upon that majestic form. The coffin was placed upon the lawn, in front of the mansion-house, and a rich autumn sun poured down upon it the full light of day. A concourse of more than ten

thousand filled the grounds, and passed slowly around the bier, each one pausing for an instant, to take the last look of that gracious figure, which was arrayed for burial, in the same well-known dress that he had always worn. The great multitude present represented or comprehended all classes, all ages, all stations, the rich and the poor, the educated and the uneducated, from far and near. But, in that crowd, there came one unknown man, in a plain and rustic garb, who truly and fitly, because in homeliest words, interpreted the thoughts that silently oppressed them all, when, looking down upon the face of the dead, he said, as if for himself alone: "Daniel Webster, the world, without you, will seem lonesome."

Within the house, crowded in every part, a religious service was conducted, according to the primitive manner of New England, in presence of the relatives and immediate friends. The coffin was then borne on the shoulders of six of the neighboring farmers, who had asked the privilege of carrying to his last home him whom they had so loved and honored. The son and grandsons of the deceased, the other male connections and intimate friends, and the much-trusted servants, walked as chief mourners. The vast multitude reverently and slowly

followed through the grounds and down the long avenue, ascending at last to the ancient burying-place of the fathers of Marshfield. There the bier was rested upon the earth; a prayer was offered by the officiating clergyman; and then, all of this great man that could die was laid in the place which he had chosen, with the ashes of his loved ones, who had gone before him.

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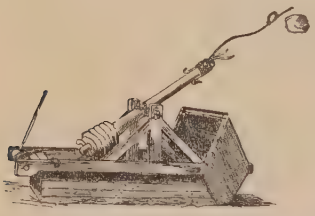

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